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Circular No. 1451

AMENDMENT OF LEASE FORMS PRESCRIBED UNDER OIL AND GAS REGULATIONS FOR THE PROTECTION OF LANDS EMBRACED IN A RESERVATION OR SEGREGATED FOR ANY PARTICULAR PURPOSE, AND AS TO HELIUM PROVISIONS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

See Circ. 1840

1. Provision for protection of lands embraced in a reservation or segregated for any particular purpose. Hereafter all leases issued under the oil and gas leasing act of February 25, 1920 (41 Stat. 437), as amended, and regulations thereunder, for lands embraced in a reservation or segregated for any particular purpose, will contain the following subsection:

Reserved or segregated lands. If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, the leasee shall conduct operations thereunder in conformity with such requirements as may be made by the Secretary of the Interior for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purposes of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

2. Oil and gas lease forms amended as to helium provisions. Subsection 3 (e) of the form of lease prescribed by Circular No. 672 approved March 11, 1920 (47 L. D. 437) and subsection 3 (d) of the form of lease prescribed by Circular No. 1386 approved May 7, 1936 (55 I. D. 502) which contain provisions relative to the helium content of any gas produced on lands embraced in such leases, are amended to read as follows:

Helium. Pursuant to Section 1 of the Act, and Section 1 of the act of Congress approved March 3, 1927 (44 Stat. 1387), as amended, the lessor reserves the ownership and the right to extract, under such rules and

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regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced under this lease, but the lessee shall not be required to extract and save the helium for the lessor; in case the lessor elects to take the helium the lessee shall deliver all gas containing same, or portion thereof desired, to the lessor at any point on the leased premises in the manner required by the lessor, for the extraction of the helium in such plant or reduction works for that purpose as the lessor may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof: Provided, That the lessee shall not, as a result of the operation in this paragraph provided for, suffer a diminution of value of the gas from which the helium has been extracted, or loss otherwise, for which the lessee is not reasonably compensated, save for the value of the helium extracted; the lessor further reserves the right to erect, maintain, and operate any and all reduction works and other equipment necessary for the extraction of helium on the premises leased.

(Sgd.) FRED W. JOHNSON

Commissioner.

I concur: June 15, 1938

(Sgd.) JOHN C. PAGE

Commissioner, Bureau of Reclamation.

I concur: August 2, 1938.

(Sgd.) W. C. MENDENHALL

Director, Geological Survey.

Approved: September 24, 1938.

(Sgd.) E. K. BURLEW

Acting Secretary of the Interior.

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Circular No. 1453. - *Obsolete* - *See Director's memo. of 2/16/44*

ASSIGNMENTS OF ROYALTY INTERESTS IN OIL AND GAS PROSPECTING PERMITS
AND LEASES PRIOR TO A DISCOVERY WILL NOT RECEIVE APPROVAL.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 18, 1938

Sec. 192.42a. (1) Royalty interests in oil and gas prospecting permits and assignments thereof. Royalty interests in oil and gas prospecting permits do not constitute holdings or control of lands and deposits within the meaning of section 27 of the act of February 25, 1920 (41 Stat. 437), as amended. Prior to the discovery of a valuable deposit of oil or gas, assignments of royalty interests in permits will not be approved, recognized or considered in any way and should not be filed with the Department. After discovery such assignments should be filed in the appropriate district land offices and be accompanied by a showing in affidavit form by the assignees as to their citizenship and holdings in other oil and gas prospecting permits and leases in the same State. *

Sec. 192.42b. (2) Royalty interests in oil and gas leases and assignments thereof. Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act of February 25, 1920 (41 Stat. 437), as amended. Assignments of such interests in leases must be filed for record purposes in the appropriate district land offices accompanied by a showing in affidavit form by the assignees as to their citizenship and holdings in other oil and gas prospecting permits and leases in the same State, but they will not be approved unless and until a discovery of a valuable deposit of oil or gas is made. *

Sec. 192.42c. (3) Effective date and applicability. These regulations shall be effective on the date of their approval and are applicable to all assignments of royalty interests in oil and gas prospecting permits and leases not heretofore approved by the Department regardless of the date the assignment was made. *

(4) Regulations superseded. To the extent that section 1 (g) of the regulations approved April 4, 1932 (53 I. D. 640), is inconsistent herewith

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it is hereby modified. Circular No. 1331 approved July 31, 1934 (54 I. D. 549), Sec. 192.42 of the Code of Federal Regulations is hereby superseded. *

192.42 (See Circ. 1504)

(Sgd) Antoinette Funk,

Acting Commissioner.

Approved November 18, 1938

(Sgd) Harry Slattery,

Acting Secretary of the Interior.

* Issued under authority of Sec. 32, 41 Stat. 450;

30 U. S. C. 189.

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Circular No. 1454.

DREDGING AND MINING FOR GOLD AND OTHER PRECIOUS METALS
BELOW LOW TIDE ALONG THE SHORES, BAYS
AND INLETS OF ALASKA.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 17, 1939.

Sec. 69.12. (1) Statutory authority. The provisions of the act of June 6, 1900, made subject to exploration and mining for gold and other precious metals the lands and shoal waters between low and mean high tide on the shores, bays and inlets in Bering Sea and authorized the dredging and mining for gold and other precious metals in said waters below low tide, subject to rules and regulations of the Secretary of War. These provisions were extended by the act of May 31, 1938 (Public No. 562), to all shores, bays and inlets in Alaska within the jurisdiction of the United States, subject to such general rules and regulations as the Secretary of the Interior may prescribe for the preservation of order. The Act provides that exploration and mining between low and mean high tide shall be done under such reasonable rules and regulations as the miners in organized mining districts may have theretofore made or may thereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law, such rules and regulations not to be in conflict with the mining laws of the United States. No provision is made for the location and holding of claims or acquiring title to the lands below mean high tide, but only temporary possession during exploration and mining is authorized.

Sec. 69.13. (2) Dredging and mining below low tide along the shores of Alaska. Any citizen of the United States or person who has legally declared his intention to become such, or any association thereof, desiring to dredge and mine for gold and other precious metals in the waters below low tide along the shores, bays and inlets in Alaska shall, before commencing any actual operations, file with the district land office having jurisdiction over the adjacent shore lands a notice of intention to carry on such dredging and mining operations. Such notice should give the names and addresses and citizenship of each, a description of the place where the dredge will be initially located or the mining operations commenced, such place to be connected where practicable by course and distance to a corner of the public land survey on the shore, or if there are no surveyed lands in the vicinity, with some geographical or topographical point which can easily be found.*

Sec. 69.14. (3) Priority of location. Priority of location must be respected as a matter of equal right to all, and to prevent possible conflict or interference, any dredge having located in accordance with the privilege conferred shall not be interfered with by other offshore dredging or mining operations within a space of 200 feet in all directions. The 200-foot limit shall be indicated by buoys properly placed.*

Sec. 69.15. (4) Location of dredge. No dredge or other structure shall be placed in a position so as to interfere with the free passage of small boats along the shore line, or interfere with the landing at any public wharf, or with other authorized means for the landing of stores and supplies, nor nearer to the shore than 100 feet below low tide within the limits of frontage lawfully occupied by any town, mission or trading company. No dredge will be permitted to connect lines or cables with the shore or to place other obstructions within the 100-foot limit along the frontage named above in such manner as to interfere with the passage of small boats along the shore line. Such dredge and structure shall be lighted at the expense of the operator thereof for the safety of navigation as may be required by the regulations of any department of the Government having jurisdiction in such matters.*

Sec. 69.16. (5) Private rights protected. Nothing herein contained shall be construed to authorize any injury to private property or invasion of private rights or any infringement of Federal, Territorial or local laws or regulations for the protection and preservation of the shores, bays and inlets.*

Sec. 69.17. (6) Laws for the protection of navigable waters to be observed. Nothing in these regulations shall authorize any infringement of the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, and miners in such waters must conform to any applicable requirements of the War Department.*

Sec. 69.18. (7) Prior rights protected. These regulations are made subject to any valid existing rights heretofore acquired, but any persons claiming such rights shall comply herewith within 90 days from date hereof.*

(Sgd) Fred W. Johnson,

Commissioner.

Approved: February 17, 1939.

(Sgd) Harry Slattery,

Under Secretary.

* Issued under authority of the act of May 31, 1938 (Public No. 562).

CIRCULAR NO. 1455

PUBLICATION OF PROOF NOTICES

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

(1) Regulations Amended. Instructions of October 19, 1929 (52 L. D. 722), have been carried into the Code of Federal Regulations as section 106.18, and both are hereby amended to read as follows:

Sec. 106.18. Notices to be published weekly only, where not otherwise directed by law. In many cases it is necessary to designate a daily paper in which to publish the notices of intention to submit final proof required to be given by homestead and desert land entrymen as well as the notices of location of scrip, warrants, certificates, and lieu selections, and other cases.

The expense of publishing such notices for the prescribed period in every issue of a daily paper is often prohibitive, and the object of publication of such notices can be accomplished by a less number of insertions. Therefore, in all cases where the law does not specifically otherwise direct, publication will be made as follows:

(a) Where publication is required for thirty days, if the register designate a daily paper, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues, and if semi-weekly, or tri-weekly, in any one of the weekly issues for five consecutive weeks.

(b) Where publication is required for sixty days, except in mining cases, if the register designate a daily paper the notice should be published in the Wednesday issue for nine consecutive issues; if weekly in nine consecutive issues; if semi-weekly or tri-weekly in any one of the weekly issues for nine consecutive weeks.

Publication of notice in mining cases must be made in accordance with paragraph 45 of the mining regulations (Circular No. 430, April 11, 1922, 49 L. D. 71; Sec. 185.58 C.F.R.).

(2) Other Regulations Amended. The regulations governing publication in homestead, soldiers' additional homestead and trade and manufacturing site cases, in Alaska; prescribed by Circular No. 491 dated February 24, 1928 (Par. 25, p. 33, Sec. 65.25 C.F.R.; par. 15, p. 85, Sec. 61.15 C.F.R.; and par. 9, p. 14, Sec. 81.9 C.F.R.), the regulations governing publication in the case of timber and stone entries (Par. 21, Circular 851, February 25, 1926, 51 L. D. 371; Sec. 285.21 C.F.R.), and any other regulations which may be in conflict with the foregoing instructions, are hereby amended so as to conform thereto.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: February 17, 1939

(Sgd) Harry Slattery,
Under Secretary.

Date MAR 13 1939
Hour _____

Circular No. 1456

REGULATIONS GOVERNING THE LOCATING AND MAINTAINING
OF MINING CLAIMS IN THE OLYMPIC
NATIONAL PARK, WASHINGTON

*Abstract - See
Circ. 1785*

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 185.33 a. Statutory authority. By the Act of Congress approved June 29, 1938 (Public No. 778-75th Congress), the Mount Olympus National Monument was abolished and certain described lands, including the lands in the Monument, were reserved, withdrawn from disposal, and dedicated and set apart as a public park to be known as the Olympic National Park. The Act provides that valid existing claims shall not be affected thereby.

Section 2 of the Act provides:

"That in the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel, and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of five years from the date of approval of this Act, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior." *

185.33 b. Mining locations during five-year period. Under the provisions of Section 2 of the Act the lands within the area described in that section are, for a period of five years from the date of the Act, open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made within the five-year period will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals, such occupation and use to be under general regulations prescribed by the Secretary of the Interior. No prospecting may be done or locations made on

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the land after the expiration of the five-year period from the date of this Act, but the right to remove mineral deposits from valid locations made during the five-year period may be maintained thereafter by complying with the requirements of the United States mining laws and these regulations. *

185.33 c. Cutting of timber. The locator of a mining claim within the area described in Section 2 of the Act may cut timber within the boundaries of his claim for mining and domestic uses only with the permission of the superintendent of the park or his representative who will designate the timber to be cut. All slash, brush or debris resulting from the cutting of timber upon mining claims shall be disposed of by the locator in such manner and at such time as may be designated by the National Park Service officer in charge so as to prevent the creation of fire hazards, or conditions conducive to the development of infestation by timber-destroying insects. *

185.33 d. Construction of trails and roads. Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the park upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the superintendent of the park, so long as it is used by the permittee or his successors. *

185.33 e. Occupation and use of surface. Occupation and use of the surface of a mining claim is restricted by Section 2 of the Act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this section of the Act will be entitled to such right. A locator or patentee shall not be entitled to the exclusive use of any hot or mineral springs which may be within the boundaries of his claim, or to any use of such springs for other than mining purposes. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this park. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the park. *

185.33 f. Termination of right to use of surface of mining claims. The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to Section 2 of the Act will terminate when the minerals are mined out or the claim is abandoned. Any locator of an unpatented claim who fails to perform annual assessment work on his claim for any assessment period will be assumed to have abandoned his claim, and his right of occupation and use of the surface of the claim considered at an end. *

185.33 g. Title to minerals only. Applications for patents and final certificates issued thereon for mining claims located under Section 2 of the Act should be noted "Olympic National Park Lands", and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations. *

(Sgd) Fred W. Johnson,

Commissioner.

I concur:

(Sgd) A. E. Demaray,

Acting Director, National Park Service.

Approved: March 3, 1939.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

* Issued under authority of Section 2, Act approved June 29, 1938.
(Public No. 778, 75th Congress).

185, 22 & Title to minerals only. Applications for patents and final certificates issued thereon for mining claims located under Section 2 of the Act should be made "Olympic National Park Lands", and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations.

(Sgd) Fred W. Johnson,

Commissioner.

I concur:

(Sgd) A. E. Dineen,

Acting Director, National Park Service.

Approved: March 2, 1933.

(Sgd) Harold L. Jones,

Secretary of the Interior.

* Issued under authority of Section 2, Act approved June 22, 1906. (Public No. 796, 79th Congress).

Circular No. 1457

SHOWING BY CORPORATE APPLICANTS AND BIDDERS FOR
OIL AND GAS LEASES RELATIVE TO REGISTRATION WITH
THE SECURITIES AND EXCHANGE COMMISSION

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ. 1840

(1) Subparagraph (a) of paragraph 7 of Circular 1386 (subparagraph (a) of Sec. 192.19 of the Code of Federal Regulations) and subparagraph (b) of paragraph 10 of said circular (subparagraph (b) of Sec. 192.23 of the Code) are each amended by adding thereto the following:

Whenever deemed advisable, any corporate bidder or applicant for oil and gas lease may be required to file a sworn statement of the proper officer showing whether the applicant or any person controlling, controlled by, or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Acts of 1934 or said Commission's rules and regulations under said Acts; if so, under what provision of said Acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 29, 1939

(Sgd) Harry Slattery,

Acting Secretary of the Interior.

UNITED STATES

THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

(1) The purpose of this document is to provide information regarding the status of the land in the area of the proposed project. The information is being provided for the purpose of the project and is not to be used for any other purpose.

The land in the area of the proposed project is currently being used for agricultural purposes. The land is owned by the United States and is being managed by the Bureau of Land Management. The land is being managed in accordance with the National Antiquities Act and the National Monument Act. The land is being managed to preserve the natural resources and to provide for the future generations.

(2) The purpose of this document is to provide information regarding the status of the land in the area of the proposed project. The information is being provided for the purpose of the project and is not to be used for any other purpose.

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C.

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Circular No. 1459

RENTAL CHARGES FOR RIGHTS-OF-WAY

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Superseded by
12378. 12378-
referred by 1825
Also see Circ. 1822*

Circular 1237a, dated May 23, 1938, containing regulations governing rights-of-way, was incorporated into the Code of Federal Regulations as Sections 244.1 to 244.61 inclusive. These regulations are hereby amended by adding thereto the following:

Sec. 244.9a. Rental charges. Unless otherwise ordered by the Secretary of the Interior, the charge for occupancy and use of public lands for rights-of-way for telephone and telegraph line purposes under the acts of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), and March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), and oil or gas pipe lines under section 28 of the act of February 25, 1920 (41 Stat. 437), as amended by the act of August 21, 1935 (49 Stat. 674; 30 U. S. C. 185), shall be at the rate of five dollars (\$5) per mile or fraction thereof per annum, the minimum charge to be five dollars (\$5).

The charge for occupancy and use of public lands for reservoirs, water plants, well sites, etc., under the act of February 15, 1901, and for pumping stations or other structures under Section 28 of the act of February 25, 1920, as amended, in connection with the operation and maintenance of oil or gas pipe lines, shall be five dollars (\$5) per acre or fraction thereof per annum, the minimum charge to be five dollars (\$5).

The first payment shall be submitted with the application and shall be the compensation for a full year computed under the rates specified in these regulations, but any excess of such payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit or grant is approved will be credited to the permittee or grantee as a part of his payment for the first full calendar year. The permittee or grantee shall annually, on or before the first day of February next following the close of each calendar year of the period during which the right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft or check payable to the Treasurer of the United States, the rental charges specified in the permit or grant. If the permittee or grantee shall fail to pay the rental charges, and such default shall continue for sixty days after the first day of February, then the Secretary of the Interior may in his discretion terminate and revoke the permit, or in the case of the grant, the same will be subject to cancellation upon voluntary relinquishment or by forfeiture proceedings instituted for that purpose. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Secretary of the Interior.

At any time not less than five years after the approval of the permit or grant, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may deem reasonable and proper.

All payments made under the permit or grant shall be deposited, except as otherwise provided by law, to the credit of the Treasurer of the United States in so far as public lands are affected and to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected.

The charges herein provided for the use of public lands shall apply to all existing rights-of-way and to all rights-of-way which may hereafter be permitted or granted under pending or future applications coming under the provisions of this section. In the case of existing rights-of-way, the charges shall be effective upon the date fixed in the notice to the permittee or grantee to be issued by the Commissioner of the General Land Office, but in no case shall any such charges be made retroactive.*

August 7, 1939 ✓

(Sgd) Harold L. Ickes,

Secretary of the Interior.

* Issued under authority 31 Stat. 790, 36 Stat. 1253, 28 Stat. 635, and section 28, 41 Stat. 437; 43 U. S. C. 959, 961, 956; and 30 U. S. C. 185.

No See A 22537 of 7-29-1940

All payments made under the bonds of contract shall be deposited, except as otherwise provided by law, to the credit of the Treasurer of the United States in or for the public lands and in the credit of the title or individual Indian entitled thereto in or for the public lands and otherwise.

The changes herein provided for the use of public lands shall apply to all existing rights-of-way and to all rights-of-way which are hereafter provided or granted under existing or future regulations unless under the provisions of this section. In the case of existing rights-of-way, the changes shall be effective upon the date fixed in the notice to the possessor or grantee to be issued by the Department of the Interior, but in no case shall any such change be made retroactively.

(Sd) David L. Johnson
Secretary of the Interior

August 7, 1938

* Issued under authority of Stat. 700, 3d Stat. 1925, 50 Stat. 535, and Statutes 35, 41 Stat. 437, 43 U. S. 322, 301, 320, and 30 U. S. 3.

Circular No. 1460

RECOGNITION AS ATTORNEYS AND AGENTS BEFORE THE DISTRICT
LAND OFFICES, OF FORMER EMPLOYEES OF THE DEPARTMENT
OF THE INTERIORUNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 21, 1939

Departmental Order No. 615, dated March 24, 1933 (54 I. D. 194), relative to admission of former employees to practice before the Department of the Interior and its bureaus, was held applicable to applications to practice before the district land offices, by Circular No. 1374, dated November 29, 1935 (55 I. D. 423), and was incorporated as a part of Sec. 212.19 of the Code of Federal Regulations.

By Departmental Order No. 1397, dated June 29, 1939, substitute regulations were adopted. The said Sec. 212.19, therefore, is hereby amended to read as follows:

Sec. 212.19 Practice by former employees of the Department of the Interior. Departmental Order No. 1397, dated June 29, 1939, substituted the following regulations for the regulation contained in Departmental Order No. 615, dated March 24, 1933 (54 I. D. 194):

(1) No person shall appear before the Department or before any bureau, board, division or other agency thereof as attorney, agent or practitioner in any matter to which as an officer or employee of the United States he gave personal consideration or as to the facts of which he gained knowledge while in the Government service. No person shall knowingly (a) assist a person who has been employed by a client to represent him before the Department of the Interior in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, (b) accept assistance from any person in connection with any such matter, or (c) share fees with any such person in connection with any such matter.

(2) No former officer, clerk or employee of the Department of the Interior shall act as attorney, agent or practitioner or as the employee of an attorney, agent or practitioner within two years after the termination of such employment with the Department in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Interior or his duly authorized representative. Such applicant shall

(over)

Circ 1460

file an application in the form of an affidavit to the effect that he gave no personal consideration to such matter, and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Department of the Interior, and his employment is not prohibited by Title 5, section 99, United States Code, or other law, or by the regulations of the Department of the Interior. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files, records and facts pertaining to the case. Such affidavit should state the former connection of the applicant with the Department and identify the matter in which the applicant desires to appear. The application should be directed to the Secretary of the Interior. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

The registers of the district land offices will be governed by the provisions of the substitute regulations, in the recognition as attorneys and agents, of former employees of the Department of the Interior.*

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 21, 1939

(Sgd) Harry Slattery,

Under Secretary.

* Issued under authority of Sec. 5, 23 Stat. 101 and R. S. 161 (5 U.S.C. 493, 22), and in the exercise of the inherent power of the Secretary of the Interior.

Circular No. 1461

*Superseded
See 1461a**Obsolete - Circ. 1825*

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

- - -

REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON
PUBLIC LANDS AND RESERVATIONS OF THE UNITED
STATES FOR ELECTRICAL PLANTS AND
TRANSMISSION LINES.

Acts of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959),
and March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961).

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CIRCULAR NO. 1461

REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON
PUBLIC LANDS AND RESERVATIONS OF THE UNITED
STATES FOR ELECTRICAL PLANTS AND
TRANSMISSION LINES.UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 30, 1939.

Sec. 245.1 Statutory authority. The act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

245.2 When application for power permit may be filed. The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, except where the electrical energy is generated other than by water power, or in case of rights-of-way over allotted Indian lands. No application for a power permit should be filed under said acts for electrical plant sites, or rights-of-way for transmission lines, unless the electrical energy to be generated or conveyed is to be generated by means other than by water power, or the lands affected are allotted Indian lands. All other applications for power plants or transmission lines must be filed with the

Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

245.3 Jurisdiction over land. Section 1 of the act of February 1, 1905 (33 Stat. 628), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over public lands within a national forest, an application should be prepared in accordance with the regulations issued by the Department of Agriculture and the same submitted to the proper officer of that department.

245.4 Nature of permit. The act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes a mere permission revocable at any time, and it gives no right whatever to take from public lands, reservations, parks, or national forests adjacent to the right-of-way any material, earth, or stone for construction or other purposes. The act of March 4, 1911, which authorizes the granting of easements for transmission lines, for stated periods not to exceed fifty years, follows as closely as possible in the accomplishment of its purposes, the act of February 15, 1901.

245.5 Unsurveyed lands. Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

245.6 National parks. The act of March 3, 1921 (41 Stat. 1353), provides, *inter alia*:

"That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc."

245.7 Effect of permit. Power permits issued by the Secretary of the Interior allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of or interference with valuable power resources or that involve the development, transmission, or use of power. All permits will be issued, extended, renewed, or revoked only by the Secretary of the Interior.

245.8 Trespass. Any occupancy or use of public lands, reservations, parks, or national forests for the purposes set forth in said statutes, except under authority first secured from the proper department, is trespass.

245.9 Filing of Application. All applications for power permits for occupancy or use of Interior Department lands should be submitted in duplicate on form 1, which is made a part hereof,* and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other districts a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C.

An application for a power permit shall not be completed until every map or paper required by the regulations has been filed in the form prescribed.

245.10 Priority rights. Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in section 245.9. Priority shall be maintained, however, only in so far as the projects are within the limits of the project works as shown in the application for the permit. Priority initiated or maintained by an application for permit shall be lost if the applicant fails to make the payment required and to return a duly executed agreement, as prescribed in section 245.21, within 30 days from a date fixed in the letter transmitting such agreement to him, unless a longer time is allowed by written authority of the Secretary. Priority initiated or maintained by an application for a permit shall be lost if the permit is revoked. No other application, for a like use covering in whole or in part the same or adjacent lands, will be accepted from the permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee and if the permittee is a corporation to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed as provided in this regulation.

245.11 When permit may be granted. Power permits will be issued only in case it appears that the proposed development will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be issued if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed under an existing power permit. No power permit will be issued for the construction of works within an area covered by a prior permit until after the loss of priority

* See page 17

or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given, in the discretion of the Secretary, to the financial ability and business connections and affiliations of the applicants.

245.12 Termination of permit. Unless otherwise specified in the permit and unless sooner revoked by the Secretary, a power permit shall terminate at the expiration of 50 years from the date of the permit. If, however, at any time not less than 2 nor more than 12 years prior to the termination of the permit, the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

245.13 Words and phrases. The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or diverting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the projects works.

"Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08*; (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

245.14 Rental charges. Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site", as defined in section 245.13, at not less than the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period,
and similarly for the operation period\$0.01

* The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

For the second full calendar year of each of said periods	\$0.02
For the third year	.03
For the fourth year	.04
For the fifth year	.05
For the sixth year	.06
For the seventh year	.07
For the eighth year	.08
For the ninth year	.09
For the tenth and each succeeding year	.10

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit, provided that said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars (\$5) per mile or fraction thereof per annum, the minimum charge to be five dollars (\$5).

(b) The charge for occupancy and use of Interior Department lands under a power permit for plants generating power by means of coal, oil, gas, or other fuel shall be five dollars (\$5) per acre or fraction thereof per annum, the minimum charge to be five dollars (\$5).

(c) The first payment by every permittee shall be the compensation for a full year, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year. The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the rental charges specified in the permit. If the permittee shall fail to pay the rental charges required in the permit, and such default shall continue for sixty days after the first day of February, then the Secretary of the Interior may in his discretion terminate and revoke the permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Secretary of the Interior.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and to the credit of the Treasurer of the United States in so far as any other Interior Department lands are affected.

245.15 Showing required of corporations. Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

245.16 Showing required of individuals or associations of individuals. Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

245.17 Evidence which must accompany application. Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipe lines, and transmission lines, and 1,000 feet

to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).*

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under section 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water is vested in the State authorities. The applicant, therefore, must file evidence, obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

* See page 18

245.18 Power plants to be platted on map in main drawing and in separate drawing. When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

245.19 Transmission lines. Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

245.20 Use of transmission lines. Rights-of-way granted under these regulations for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in section 245.19, until the Secretary of the Interior shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

245.21 Agreement required as a condition precedent to issuance of permit. Before a power permit will be issued for a power project, the permittee shall execute and file an agreement which, upon its approval in writing by the Secretary, shall constitute and express the conditions of the permit. Such agreement shall expressly bind the applicant --

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute

100.12. The Board shall be authorized to do such things as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act.

100.13. The Board shall be authorized to do such things as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act.

(a) A description of the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do.

(b) A statement in detail of the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do.

100.14. The Board shall be authorized to do such things as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act, and to make such rules and regulations as may be necessary to carry out the purposes of the Act.

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(a) To determine the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do, and the kind of work which the Board is authorized to do.

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such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under section 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and shall maintain its transmission lines in such manner as not to menace life or property.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To pay the full value as fixed by the Secretary for all timber cut, injured, or destroyed on Interior Department lands in the construction, maintenance, and operation of the project works.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: Provided, That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied

or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: Provided, (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) that such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property then owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any of said parks or any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such park or reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

245.22 Change in location or plans of construction. During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

245.23 Extension of time for beginning or completing construction. An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only by the written approval of the Secretary after a showing by the permittee satisfactory to the Secretary that the beginning or completion of construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

245.24 Transfer of permit. A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in section 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) under the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance

of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

245.25 Revocation of permit. Violation by a permittee of any of the provisions of these regulations, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposal shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

245.26 Abandonment of project. Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

245.27 Action on application. When an application is filed, the register will place on the papers and accompanying maps, the serial number, the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land is affected, the register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application at the General Land Office it will be noted on the records of that office. The General Land Office will examine the application and determine whether it is complete with respect to the requirements of that office; and will call upon the applicant through the local land office to supply any deficiency. If the application affects

Indian land the General Land Office will call upon the Commissioner of Indian Affairs for report and recommendation, in duplicate, so that the interest of the Indians may be protected and such compensation for the land or right-of-way taken as the law and facts may warrant, may be secured. Thereupon the General Land Office will promptly transmit the entire record to the Director of the Geological Survey, stating the fact of such completion and the date thereof as determined by the receipt at the local land office of the last paper required to be filed.

(b) Upon receipt of the application for permit at the Geological Survey, that office will promptly call upon other offices for such reports and recommendations, in duplicate, with respect to the status of the lands, interference with matters under the jurisdiction of such offices, and conditions precedent to the issuance of the permit, as the nature of the case may require; and will determine whether the application papers are complete with reference to the requirements of the Geological Survey, and will call upon the applicant directly to supply any deficiency. When the application is found by the Geological Survey to be thus complete, the fact of such completion and the date thereof as determined by the receipt at the Geological Survey of the last paper required (or in case the application is thus complete when received by the Geological Survey, the date as specified by the General Land Office) will be noted on the records of the Geological Survey; and said date will be taken as the date of initiation of priority as defined in section 245.10 and as the date of initiation of valid rights of the applicant as against other claimants, and will be so specified in the permit, if issued.

The recommendation of the Geological Survey, together with the application papers shall be transmitted to the General Land Office, and that office will submit the case to the Secretary for action, presenting therewith its recommendation and that of the Geological Survey. In case the Geological Survey recommends that a permit be issued to the applicant that office will submit with its recommendation to the General Land Office a draft of such permit and agreement, in duplicate, together with five copies thereof, whereupon, the General Land Office shall transmit the draft of agreement in duplicate to the applicant for execution. After such execution and return of the agreement to the General Land Office, that office shall submit a complete record to the Secretary with its recommendations through the Geological Survey, for the concurrence of the Director. The compensation for the first year shall be transmitted by the applicant to the Commissioner of the General Land Office with the executed agreement prior to the issuance of the permit, in the form of a post office money order, bank draft, or check payable to the Treasurer of the United States.

245.28 Action on approved permit. Upon approval of the permit by the Secretary, the General Land Office will note the fact of such approval on the maps of location, will transmit one original of the permit to the permittee and one copy thereof to the Geological Survey, and two copies to the Commissioner of Indian Affairs where the permit for right-of-way affects Indian lands, and will transmit one tracing of all maps of location and one copy of the permit to the local land office for filing, and

will retain one original of the permit and one tracing of all maps of location in the files of the General Land Office. The approval of the permit and the date of initiation of priority and of valid rights of the permittee will thereupon be noted on the tract records of the General and local land offices.

(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by these regulations, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of its address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers.

245.29 Former regulations superseded. The foregoing regulations supersede the regulations approved January 6, 1913 (41 L. D. 454), and March 1, 1913 (41 L. D. 532), and amendments thereto.

(Sgd) Fred W. Johnson,

Commissioner, General Land Office.

I concur:

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: October 30, 1939.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

(These regulations are issued under authority of 31 Stat. 790 and 36 Stat. 1253; 43 U. S. C. 959, 961).

will retain the subject of the parties and the nature of all ways of life
action in the field of the General Land Office. The approval of the parties
and the date of initiation of activity and of which nature of the parties
will therefore be noted on the land records of the General Land Office
Chicago

(a) After the issuance of the parties, the Geological Survey will
also make investigations and reports to the Secretary of the Interior as
may be necessary for the determination and location of water and navigation
the regulation of navigation and navigation, and of the parties of the
parties as contemplated by these regulations, and, in general, for all
regulating matters pertaining to the power development and the power re-
sources involved.

(b) The parties shall at all times keep the Secretary informed of
the status and the nature of negotiations, with the object of the parties
of the parties and of the nature and objectives of the parties.

(c) The parties shall also keep the Secretary informed of
the status and the nature of negotiations, with the object of the parties
of the parties and of the nature and objectives of the parties.

(30) John W. Johnson
Commissioner, General Land Office

1. Secretary
(20) N. E. Henshaw
Director, Geological Survey
Approved: October 10, 1901
(20) David L. Shaw
Secretary of the Interior

(These regulations are issued under authority of 33 Stat. 700 and 701
1901, 33 Stat. 700, 701)

Form 1.

Application For Power Permit.

The _____, a corporation organized and existing under and by virtue of the laws of the State _____ (_____,) a citizen of the United States and resident of the State of _____, with office and principal place of business at _____, in the State of _____, hereby makes application for a power permit for the occupancy and use of certain lands of the United States in the State of _____, by constructing, maintaining, and operating thereon for the main purpose of the development, transmission, and use of power (here add any other proposed purpose) the following works:

(Omit such of the four following items (a), (b), (c), (d) as may not be applicable.)

(a) _____ dams (masonry, earth, etc., diverting or storage) approximately _____ feet in maximum height and approximately _____ feet in maximum length, to occupy approximately _____ acres, respectively, and to form _____ reservoirs to flood approximately _____ acres at extreme flood level, _____ acres at the flow line fixed by the average effective head, and approximately _____ acres at spillway level, respectively;* in section _____, township _____, range _____, _____ meridian, said dams and said reservoirs being designated, respectively, as follows: _____.

(b) _____ conduits approximately _____ miles in length, respectively,* crossing sections _____, township _____, range _____, _____ meridian, said conduits being designated, respectively, as follows: _____.

(c) _____ power houses and appurtenant structures to occupy approximately _____ acres, respectively,* in section _____, township _____, range _____, _____ meridian; said power houses being designated, respectively, as follows: _____.

(d) _____ transmission lines _____ miles in length, respectively,* crossing sections _____, township _____, range _____, _____ meridian; said transmission lines being designated as follows: _____.

All as approximately shown upon certain maps which, together with certain papers are, filed herewith and made a part hereof.

This application has been prepared to be filed in accordance with the regulations of the Secretary of the Interior, in order that the undersigned applicant may obtain the benefits of the Act of Congress approved February 15, 1901 (31 Stat. 790), (or act of March 4, 1911, 36 Stat. 1253).

In witness whereof _____ has caused this instrument to be executed this _____ day of _____, 19____.

_____,
By _____.

(SEAL OF CORPORATION)

Form 2.

Affidavit of Applicant's Engineer and Certificate
of Applicant on Maps and Plans.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says he is by occupation a _____ engineer, employed by the _____ company, and that this map (plan) was prepared under his supervision from actual surveys and designs; correctly represents so far as shown hereon, the location and design of the works described in the accompanying application; to the best of his knowledge and belief correctly represents all other matters shown hereon; and represents a safe, adequate, and feasible plan for the fullest economic utilization of the power resources involved.

_____, Engineer.

Subscribed and sworn to before me this _____ day of _____, 19____.

_____, Notary
(SEAL) _____ Public.

This is to certify that _____, who subscribed the affidavit hereon is the person employed by the undersigned applicant to prepare this map (plan), which map (plan) has been adopted by the applicant

as the approximate final location of the works thereby shown; and that this map (plan) is filed as a part of the complete application.

(SEAL OF CORPORATION)

By _____

_____.

* If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d), the following: "Located on certain lands described and shown by the map accompanying the application."

as the representative of the American people and the
the (place) is filled as a part of the complete application.

(NAME OF ORGANIZATION)

* It is hereby requested that the following be
on certain items designated and shown by the map accompanying the application
section.

STATUTES

The act of February 15, 1901 (31 Stat. 790), is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes, and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: Provided, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: Provided, further, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights-of-way for telegraph companies over the public domain: And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

The act of March 4, 1911 (36 Stat. 1253-1254), provides, among other things, as follows:

That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the

public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: Provided, That such right-of-way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: Provided, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for non-use for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

while labels, national forests, and reservations of the United States for electrical power and lines for the transmission and distribution of electrical power, and for power and lines for telegraph and telephone purposes, in the extent of twenty feet on each side of the center line of such electrical, telegraph, and telephone lines and poles, to any person, association, or corporation of the United States, where it is intended by such person, association, or corporation to exercise the right-of-way herein granted for any one or more of the purposes herein named. Provided, That such right-of-way shall be allowed within or through any national forest, national forest reserve, or any other reservation only upon the approval of the chief officer of the department under whose power or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest. Provided, That all or any part of such right-of-way may be for, and shall be used for, the construction of the line of the department having jurisdiction over the lands for and upon for a period of ten years or for abandonment.

That any citizen, association, or corporation of the United States in whose State the reservation herein named a permit for any of the purposes specified herein under any existing law may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Circular No. 1461a

(43 CFR Part 245)

*Obsolete
Replaced by 182*

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REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON
PUBLIC LANDS AND RESERVATIONS OF THE UNITED
STATES FOR ELECTRICAL PLANTS AND
TRANSMISSION LINES.

Acts of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959),
March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), and
Section 441 Revised Statutes (5 U. S. C. 485).

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WASHINGTON, D. C.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CIRCULAR NO. 1461a.

REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON
PUBLIC LANDS AND RESERVATIONS OF THE UNITED
STATES FOR ELECTRICAL PLANTS AND
TRANSMISSION LINES

Sec. 245.1 Statutory authority. The act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

245.2 Effect of Federal Power Act. The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive of the act of August 26, 1935 (49 Stat. 847; 16 U. S. C. 791-825r and Sup.), as to power projects for the generation and transmission of hydroelectric power, defined in section 3(11) of the act, excepting distribution lines and rights-of-way over allotted Indian lands. All applications for rights-of-way for power plants or transmission lines, other than hydroelectric plants and main or primary hydroelectric power transmission lines should be made under the act of February 15, 1901, or the act of March 4, 1911, and sections 245.1-245.28 of these regulations. Applications for hydroelectric power plant sites or rights-of-way for

main or primary hydroelectric power transmission lines, excepting where the lands affected are allotted Indian lands, must be made to the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

245.3 National parks and monuments; effect of Act of March 3, 1921 (41 Stat. 1353). The act of March 3, 1921, provides, inter alia:

"That hereafter no permit, license, lease or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc."

254.4 Jurisdiction over land. Section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, grazing districts, wildlife refuges, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over lands under the jurisdiction or control of Federal Agencies other than the Interior Department, an application should be prepared in accordance with the regulations issued by such Agency or Department and the same submitted to the proper officer thereof.

245.5 Nature of rights-of-way authorized by statutes. The Act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes permission to use and occupy the land for the purpose permitted only, revocable at any time. The act of March 4, 1911, authorizes the granting of easements for transmission lines for periods not to exceed 50 years, and follows closely in the accomplishment of its purpose the act of February 15, 1901. Neither of the acts gives any rights whatever to take from the public lands or reservations any material, earth, or stone for construction or other purposes.

245.6 Unsurveyed lands. Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

245.7 Effect of permit. Power permits issued by this Department allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of valuable power resources or that involve the development, transmission, or use of power.

245.8 Construction in advance of permit; trespass. Where construction of transmission lines or other project works is desired over and upon Interior Department lands in advance of the approval of a power permit, authority for such construction may in the discretion of the Secretary be granted by him upon a satisfactory showing of the necessity therefor, if found not incompatible with the public or Government interest, provided the applicant agrees to make full and prompt compliance with all requirements of the Department as conditions precedent to the approval of the power permit, and such construction is done at the applicant's own risk. Application for such authority should be filed with the officer of the Interior Department, having supervision of the lands affected, who will transmit the record with appropriate report and recommendation to the Secretary through the Division of Power.

Any occupancy or use of public lands including reservations, national parks or monuments, without proper authority is trespass.

245.9 Filing of application. All applications for occupancy or use of Interior Department lands for power purposes should be submitted in duplicate on form 1; which is made a part thereof,* and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other district a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C. (See also, Sec. 245.27).

An application shall not be completed until every map or paper required by sections 245.15-245.21 has been filed in the form prescribed.

245.10 Priority rights. Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in section 245.9. Priority shall be maintained, however, only in so far as the power projects are within the limits of the project works as shown in the application.

245.11 When permit may be granted. Power permits will be issued or granted only in case it appears that the proposed development will be

* See page 18.

in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be granted if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed by and under authority of the United States.

245.12 Termination of permit. Unless otherwise specified in the permit, and unless sooner revoked by the Department, a power permit shall terminate at the expiration of 50 years from the date thereof. If, however, at any time not less than 2 nor more than 12 years prior to the termination of the permit, the permittee shall formally notify the Commissioner of the General Land Office, that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

245.13 Words and phrases. The following terms, wherever used in sections 245.1-245.28 of these regulations, shall have the meaning hereby in this section assigned to them, respectively, viz:

"Interior Department lands" means and includes any and all public lands, reservations and patented lands acquired by purchase, donation or otherwise by the United States, under the jurisdiction and control of the Department of the Interior.

"Permit" or "Power permit" means any written authorization given by the Secretary for the use of Interior Department lands.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or diverting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Consturction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or somerpermanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the project works.

"Project storage flow" means the estimated increase in nominal stream flow made practicalbe by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued project of (1) the factor 0.08*; (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

* The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

245.14 Rental charges. Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site," as defined in section 245.13 at not less than the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period.....	0.01
For the second full calendar year of each of said periods.....	.02
For the third year.....	.03
For the fourth year.....	.04
For the fifth year.....	.05
For the sixth year.....	.06
For the seventh year.....	.07
For the eighth year.....	.08
For the ninth year.....	.09
For the tenth and each succeeding year.....	.10

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit, provided that said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars (\$5) per mile or fraction thereof per annum, the minimum charge to be five dollars (\$5), and the charge for the use of such lands under a power permit for plants generating power by means of coal, oil, gas or other fuel shall be five dollars (\$5) per acre or fraction, thereof per annum, the minimum charge to be five dollars (\$5).

(b) Except as to Indian lands, no rental charge will be required for the occupancy and use of Interior Department lands under a power permit authorizing such occupancy and use exclusively for Municipal purposes, for irrigation, or Rural Electrification Administration cooperative projects. As to Indian lands, the imposition of the rental charge specified in this section shall be optional and not mandatory.

(c) Except as to Indiana lands, the first rental payment shall be remitted with the application and shall be the compensation for a full year computed under the rates specified in this section, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as part of his payment for the first full calendar year. The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the rental charges specified in the permit. If the permittee shall fail to pay the rental charges required, and such default shall continue for sixty days after the first day of February, the permit may be terminated. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Department of the Interior.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and, except as otherwise provided by law, to the credit of the Treasurer of the United States, in so far as any other Interior Department lands are affected.

245.15 Showing required of corporations. Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

245.16 Showing required of individuals or associations of individuals.

Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

245.17 Evidence which must accompany application. Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipelines, and transmission lines, and 1,000 feet to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).*

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under section 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water is vested in the State authorities. The applicant, therefore, must file evidence, obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

(d) When the application is for a permit for a power plant it must be accompanied with a statement giving a description of the proposed power plant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the power plant is to be interconnected with other generating facilities owned by the applicant or others. A statement as to whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes must also be furnished.

245.18 Power plants to be platted on map in main drawing and in separate drawing. When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith

* See page 19.

must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

245.19 Transmission lines. Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

(c) A description of the transmission line of which the line for which a permit is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose, including the voltage for which it is designed and at which it is intended to be operated initially, and whether the line forms a part of the general transmission system of the applicant, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's own use. If the line is to serve a single customer or for applicant's own use, the nature of such use must be given (such as airway beacon, coal mine, irrigation pump, etc.).

(d) A statement as to the distance from the nearest transmission or distribution lines of any other person, corporation, association, municipality, or other agency engaged in the sale of power, or a statement that there are no such lines existing or contemplated within 10 miles of any part of the transmission line of which the line for which a permit is requested forms a part.

245.20 Use of transmission lines. Rights-of-way granted under sections 245.1-245.28, for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in section 245.19, until the Secretary of the Interior shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

245.21 Stipulation required as a condition precedent to the approval of permit. The applicant shall file with the application required under section 245.9 of these regulations, a duly executed stipulation expressly agreeing to accept the power permit subject to the following terms and conditions, to wit:

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under section 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and to maintain its transmission lines in such manner as not to menace life or property; and shall within a reasonable time following receipt of due notice from the Secretary of the Interior, modify the construction of or relocate the line covered by the permit without liability or expense to the United States, as may be necessary to allow use of the right-of-way by the United States for transmission line or other power purposes.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To notify promptly the officer of the United States (Regional Field Examiner, Chief Forester Oregon and California Revested Lands Administration, or other proper officer), having supervision of such lands, of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and operation of the project works, and to

deposit with such officer in advance of construction such sum of money as he may determine to be the full stumpage value of the manner to be so cut, removed or destroyed.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittees.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered; Provided, That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: Provided, (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) That such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation.

proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property then owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

245.22 Change in location or plans of construction. During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

245.23 Extension of time for beginning or completing construction. An extension of time for beginning or completing construction and for beginning operation will be granted only by written approval after submission of a satisfactory showing by the permittee to the effect that the beginning or completion of the construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

245.24 Transfer of permit. A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in section 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) upon the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

245.25 Revocation of permit. Violation by a permittee of any of the provisions of sections 245.1-245.28, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over

lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

245.26 Abandonment of project. Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

245.27 Action on application. When an application is filed, the register will place on the papers and accompanying maps, the serial number the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract and such patented tracts as have been acquired by the United States, affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land or patented land acquired by the United States is affected, the Register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application in the General Land Office, it will be noted on the records of that office and examined as to its legal and factual sufficiency and requirements. The General Land Office will then transmit the duplicate application and two print copies of all maps to the Geological Survey for examination and report as to its relationship to plans for comprehensive development of the natural resources involved, as to the incompatibility of proposed construction and use of lands with existing or other proposed works or with other land-use projects, as to the propriety and feasibility from an engineering standpoint of construction proposed, and as to other matters of an engineering or technical nature. Requests by the General Land Office shall be made to the Bureau of Reclamation and all other interested bureaus for reports relating to payments, rentals and stipulations, if any, deemed necessary for the protection of their interests.

(b) Applications which do not conform to the law and regulations or the approval of which would be incompatible with the public or Government interests will be rejected with the right of appeal. When an application

is completed and in conformity with the law and regulations and all required reports have been obtained, the General Land Office will prepare and submit to the Secretary with recommendation for approval, a draft of a permit in triplicate, through the Division of Power.

245.28 Action on approved permit. Upon approval of the permit, the General Land Office, will note the fact of such approval on its records and the maps of location and will transmit one original permit and one copy thereof together with one tracing of all maps of location to the district land office, whereupon the register will note the approval of the permit on the records of his office and will transmit the original permit to the permittee, retaining the copy of the permit and the tracing maps for the files of his office. The General Land Office will retain one original permit and one tracing of all maps of location for its files and transmit one copy of the permit to the Geological Survey, two copies to the Office of Indian Affairs, where the right-of-way affects Indian lands, one copy to such other bureau of the Department having control and administration of the lands affected, and one original of the permit to the General Accounting Office, where payment of a rental charge for the use of public lands is required.

(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by sections 245.1-245.28, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of his address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers.

REGULATIONS SUPERSEDED

Sections 245.1 to 245.28, inclusive, supersede sections 245.1 to 245.29, inclusive, of title 43 of the Code of Federal Regulations (Circ. No. 1461, October 30, 1939).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: December 14, 1942.

(Sgd) Abe Fortas,

Acting Secretary of the Interior.

The regulations are issued under authority of 31 Stat. 790 and 36 Stat. 1253; 43 U.S.C. 959, 961; and R. S. 441; 5 U. S. C. 485.

Form 1.

Application for Power Permit.

The _____, a corporation organized and existing under and by virtue of the laws of the State _____ (_____, a citizen of the United States and resident of the State of _____,) with office and principal place of business at _____, in the State of _____, hereby makes application for a power permit for the occupancy and use of certain lands of the United States in the State of _____, by constructing, maintaining, and operating thereon for the main purpose of the development, transmission, and use of power (here add any other proposed purpose) the following works, all as approximately shown upon certain maps and as more fully described in certain papers which are filed herewith and made a part hereof:

(Omit such of the four following items (a), (b), (c), (d) as may not be applicable.)

(a) _____ dams (masonry, earth, etc., diverting or storage) approximately _____ feet in maximum height and approximately _____ feet in maximum length, to occupy approximately _____ acres, respectively, and to form _____ reservoirs to flood approximately _____ acres at extreme flood level, _____ acres at the flow line fixed by the average of effective head, and approximately _____ acres at spillway level, respectively;* in section _____, township _____, range _____, _____ meridian, said dams and said reservoirs being designated, respectively, as follows: _____.

(b) _____ conduits approximately _____ miles in length, respectively,* crossing sections _____, township _____, range _____, _____ meridian, said conduits being designated, respectively, as follows: _____.

(c) _____ power houses and appurtenant structures to occupy approximately _____ acres, respectively,* in section _____, township _____, range _____, _____ meridian; said power houses being designated, respectively, as follows: _____.

(d) _____ transmission lines _____ miles in length, respectively,* crossing sections _____, township _____, range _____, _____ meridian; said transmission lines being designated as follows: _____.

This application has been prepared to be filed in accordance with the regulations of the Secretary of the Interior, in order that the undersigned applicant may obtain the benefits of the Act of Congress approved February 15, 1901 (31 Stat. 790), (or act of March 4, 1911, 36 Stat. 1253).

In witness whereof _____ has caused this instrument to be executed this _____ day of _____, 19 ____.

(SEAL OF CORPORATION)

By _____

Form 2.

Affidavit of Applicant's Engineer and Certificate of
Applicant on Maps and Plans.

STATE OF _____, County of _____, ss:

_____, being duly sworn, says he is by occupation a _____ engineer, employed by the _____ company, and that this map (plan) was prepared under his supervision from actual surveys and designs; correctly represents so far as shown hereon, the location and design of the works described in the accompanying application; to the best of his knowledge and belief correctly represents all other matters shown hereon; and represents a safe, adequate, and feasible plan for the fullest economic utilization of the power resources involved.

_____, Engineer.

Subscribed and sworn to before me this _____ day of _____, 19 ____.

_____, Notary
Public.
(SEAL)

This is to certify that _____, who subscribed the affidavit hereon is the person employed by the undersigned applicant to prepare this map (plan), which map (plan) has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map (plan) is filed as a part of the complete application.

(SEAL OF CORPORATION)

By _____

* If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d), the following:
"Located on certain lands described and shown by the map accompanying the application."

STATUTES

The act of February 15, 1901 (31 Stat. 790), is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes, and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: Provided, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: Provided, further, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights-of-way for telegraph companies over the public domain; And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation or park.

The act of March 4, 1911 (36 Stat. 1253-1254), provides, among other things, as follows:

That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the

transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: Provided, That such right-of-way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: Provided, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for non-use for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Circular No. 1462

REGULATIONS GOVERNING ASSIGNMENTS OF LEASES

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 220.17. Assignments to be filed in triplicate. Assignments of leases in whole or in part involving public lands or minerals owned by the United States, other than assignments of mere royalty interests under the mineral leasing acts, when submitted for departmental approval, must be filed in the proper district land office, in triplicate.

If not filed in triplicate, the Register will return the assignments and require the parties in interest to furnish the required number of copies.*

(Sgd) Fred W. Johnson,
Commissioner.

Approved: November 3, 1939.

(Sgd) Oscar L. Chapman,
Assistant Secretary.

*Issued under authority of R.S. 453 and 2478; 43 U.S.C. 2, 1201.

October 14, 1901

UNITED STATES DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.
BUREAU OF PLANT INDUSTRY
General Land Office
Washington

Sir, I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the proposed sale of the land in the town of ... and to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours very truly,
[Signature]

Very truly yours,
[Signature]

(Sd) John H. ...
[Signature]

Respectfully,
(Sd) John H. ...
[Signature]

*I am, Sir, very respectfully,
Yours very truly,
[Signature]

Circular No. 1463

OATHS, AFFIRMATIONS AND ACKNOWLEDGMENTS IN ALASKA.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

November 6, 1939

The act of August 5, 1939 (Public No. 294), authorizes and directs postmasters within the Territory of Alaska to administer oaths and affirmations and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within the Territory, whenever an oath, affirmation, acknowledgment or a certificate thereof is authorized, permitted, or required by any act or acts of Congress.

There is no general section in Subchapter A - Alaska, of the Code of Federal Regulations with reference to officers authorized to administer oaths in the Territory. Accordingly the following regulation is adopted, to be printed under "Part 52--Oaths, Affirmations and Acknowledgments".

Sec. 52.1. Officers qualified to administer oaths.

Oaths in public land cases, in Alaska, may be executed before any officer qualified to act in public land cases, as set forth in Circular No. 884, dated September 3, 1926, 51 L. D. 572 (Sec. 210.1), or before any postmaster in the Territory, under authority of the act of August 5, 1939 (Public No. 294).

Except as otherwise provided by an act of Congress, the postmaster is authorized to charge and receive for his services the fees prescribed by law for a notary public for similar services in the Territory.

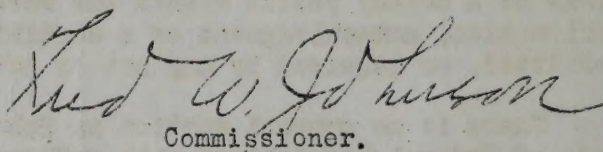
The official character of any officer not using a seal of office, other than a register, acting register, receiver, or postmaster, must be certified to under seal by the Clerk of the Court having the record of his appointment and qualifications. Each certificate of oath, affirmation or acknowledgment, executed by a postmaster within the Territory, under authority of the act mentioned, must be signed by him with a designation of his title, must have affixed thereto the cancellation stamp of the post office and must state the name of the post office and the date on which the oath or affirmation is administered, or the acknowledgment is taken.

Cir 1463

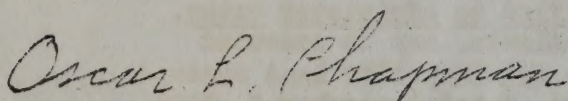
Paragraph 7, page 29, of Circular No. 491, under the title "Officers authorized to administer oaths in homestead cases in Alaska", was incorporated into the Code of Federal Regulations as Sec. 65.7. By reason of the authority conferred on postmasters by the act of August 5, 1939, above referred to, the paragraph and section mentioned are hereby amended to read as follows:

Sec. 65.7. Officers qualified to administer oaths.

An application to enter lands in Alaska may be sworn to before the register or the receiver, or the acting register of the land office for the district in which the land lies, before any postmaster in the Territory, or before any court, judge, or other officer in Alaska, or in the United States outside of Alaska, authorized to administer an oath, as provided by Sections 52.1 and 210.1.


Commissioner.

Approved: November 6, 1939.


Assistant Secretary.

These regulations are issued under the authority contained in R. S. 453 and 2478; 43 U.S.C. 2, 1201.

Still in effect
5/20/54 AB

43691

Circular No. 1463a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS; INTERIOR
SUBCHAPTER A - ALASKA

PART 52 - OATHS, AFFIRMATIONS, AND ACKNOWLEDGMENTS

Section 52.1 of Title 43 of the Code of Federal Regulations, prescribed by Circular No. 1463, approved November 6, 1939, is amended to read as follows:

"Section 52.1 Officers qualified to administer oaths. Oaths in public land cases in Alaska may be executed before the register or the acting register of the land office for the district in which the lands sought are situated, or before any court; judge, or other officer in the Territory, or elsewhere in the United States, authorized by law to administer an oath, or before any postmaster in Alaska. (Section 10, Act of May 14, 1898, 30 Stat. 409, 413; 48 U.S.C. 359, and Act of August 5, 1939, 53 Stat. 1219; 48 U.S.C. 35a-35c)

"Except as otherwise provided by an act of Congress, the postmaster is authorized to charge and receive for his services the fees prescribed by law for a notary public for similar services in the Territory.

"The official character of any officer not using a seal of office, other than a register, an acting register, or a postmaster, must be certified under seal by the clerk of the court having the record of his appointment and qualifications. Each certificate of oath, affirmation, or acknowledgment executed by a postmaster within the Territory as provided in this section must be signed by him, with a designation of his title, must have affixed thereto the cancelation stamp of the post office, and must state the name of the post office and the date on which the oath or affirmation is administered or the acknowledgment is taken."

(R. S. 453, 2478; 43 U.S.C. 2, 1201)

PART 65 - HOMESTEADS

Section 65.7 of Title 43, also prescribed by Circular No. 1463, is amended to read as follows:

CIRC.

1463 (a)

C.F.R. noted

"Section 65.7 Officers qualified to administer oaths. A home-
stead application for public lands in Alaska may be executed before
the register or the acting register of the land office for the dis-
trict in which the lands sought are situated, or before any court,
judge, or other officer in the Territory, or elsewhere in the United
States, authorized by law to administer an oath, or before any post-
master in Alaska. The requirements in this connection are set forth
in Section 52.1."

(R. S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 13, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1464

REGULATIONS GOVERNING LEASE BONDS
AMENDED AND SUPPLEMENTEDUNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington*Office Copy**See Cir. 1840*

Section 14 of Circular 1386, approved May 7, 1936 (55 I.D. 517;

Section 192.61, Code of Federal Regulations), is hereby amended and supplemented by adding, at the end of the second paragraph thereof, the following paragraph: *

The requirement made in the preceding paragraph for the filing of a \$1,000 bond shall apply only in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases the \$1,000 bond must be filed not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by the lessee by making payment of each successive annual rental not less than 90 days prior to its due date. In the absence of the payment of the rental in advance as herein authorized, the requirement for the filing of the bond within the time prescribed must be complied with strictly, and upon the failure of the lessee to comply therewith the lease shall be subject to cancellation by the Secretary in accordance with the provisions of the lease and the act of February 25, 1920 (41 Stat. 437), as amended by the act of August 21, 1935 (49 Stat. 674). Nothing herein contained shall operate to relieve the lessee from the obligation to furnish a \$5,000 general lease bond prior to beginning drilling operations. The substance of this paragraph shall be incorporated into all leases hereafter issued under sections 13 and 17 of the act of February 25, 1920, as amended by the act of August 21, 1935. The holder of any outstanding lease heretofore issued may be relieved, under the conditions herein provided, of his obligation to maintain the \$1,000 bond, upon filing his written consent, on a form prescribed by the Secretary, to the amendment of the lease in accordance herewith.

(Sgd) Fred W. Johnson

Commissioner.

Approved: November 27, 1939

(Sgd) H. L. I.

Secretary of the Interior.

* Issued under the authority contained in Sec. 32, 41 Stat. 450;
30 U. S. C. 189.

Circular No. 1466

REGULATIONS GOVERNING THE OPENING TO LEASE FILING OF
LANDS IN TERMINATED OIL AND GAS PROSPECTING PERMITS

Absolute
See circ. 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 6, 1940.

Sec. 192.14a Drawings to be held where simultaneous applications are filed to lease lands embraced in permits which terminated by operation of law. In all cases in which an oil and gas prospecting permit has terminated by operation of law, such termination will be noted on the tract book of the district land office as of a fixed future date and will become effective at 9 o'clock a. m. on the day thus fixed.

Instructions from the General Land Office to the Registers of the district land offices advising them to note the termination of permits on their records will fix the effective date of such termination. No notice to the public of the opening of the lands for lease will be required except that the Register will post notice thereof in a conspicuous place in the district land office for a period of not less than fifteen days prior to the effective date of the termination of the permit.

Applications to lease the lands which are filed in the district land office by mail or otherwise within the period of fifteen days prior to the effective date of termination and applications filed over the counter by persons who are present at the district land office at 9 o'clock a. m. on such date, which applications conflict in whole or in part, will be considered as filed simultaneously; and the right of priority of filing will be determined by a public drawing following the procedure prescribed in paragraph 4 of Circular No. 324, dated May 22, 1914, 43 L. D. 254 (Sec. 295.8), except as hereinafter otherwise provided.

If on the effective date of termination of a permit two or more conflicting applications to lease the lands have been received, accompanied, by proper filing fees, the Register will require each applicant to deposit in his office a drawing fee of \$10, which constitutes a charge for participating in the drawing, and to furnish a statement under oath that the application is filed in good faith for his or its own benefit and not directly or indirectly in whole or in part in behalf of any other person, association, or corporation. Notice of these requirements will be sent to each applicant at the address given in the application by registered mail. Envelopes in which the notices are mailed should bear notation requesting the return of undelivered letters after being held in the post office for a period of fifteen days. The notice will state the date and hour on which

the drawing will be held and advise the applicant that unless the requirements are complied with prior to the date of drawing the application will not be entered in the drawing but will be rejected and the case closed without further notice. Where a drawing is held the drawing fee paid in connection with those applications which participate therein will be applied as earned on the date of the drawing and will not be subject to repayment to any of the applicants. In case not more than one applicant pays the drawing fee no drawing will be held and the fee will be returned.

The drawing will be held not less than thirty days from the effective date of the termination of the permit. At the completion of a drawing, the Register will furnish the General Land Office a list of the applications involved therein showing: (a) date of drawing, (b) description of the land involved, (c) name of successful applicant and serial number of application, and (d) names of unsuccessful applicants and serial numbers of their applications.

As to the States which have no district offices, the termination of permits will be noted on the records of the General Land Office and the procedure herein provided for the opening of the lands to lease filing will be followed.

The filing fee submitted by each applicant with his application will be held by the Register as unearned proceeds and will be disposed of in the manner provided by Circular 1383a, dated July 13, 1938, 56 I. D. 596 (Sec. 191.6).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: February 6, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

(These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U. S. C. 189.)

Circular No. 1468

- Obsolete - See Director's memo. 2/16/49.

REGULATIONS GOVERNING RENTALS AMENDED

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Cir. 1840

Paragraph 15 of Circular 1386, approved May 7, 1936 (55 I. D. 520; Section 192.52, Code of Federal Regulations), is hereby amended to read as follows:*

Sec. 192.52 Rentals. A lessee shall pay an annual rental of 50 cents per acre or fraction thereof for the first year of the lease, and shall pay an annual rental of 25 cents per acre or fraction thereof for the second and each succeeding lease year until oil or gas in commercial quantities is discovered. Thereafter, beginning with the first lease year succeeding discovery, the annual rental shall be \$1 per acre or fraction thereof, any rental paid for any one year to be credited against the royalties as they accrue for that year. In all instances the rental shall be paid in advance, the first payment being due prior to the execution and delivery of the lease, except that where a lease is granted in exchange for an existing permit no rental is required for the first two lease years unless valuable deposits of oil or gas are sooner discovered within the boundaries of the lease. While the term of a lease runs from the date thereof, the rental shall be due and payable each year on the first day of the month in which the lease was dated. However, with respect to exchange leases dated December 31, 1938, after the two-year free rental period, the due date for the payment of annual rental shall be January 1 of each year.

These regulations shall be applicable to all leases heretofore or hereafter issued under the provisions of the act of August 21, 1935 (49 Stat. 674).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 3, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

*Issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U. S. C. 189.

1468

DECLARATION OF THE UNITED STATES

TO THE PEOPLE OF THE UNITED STATES

WE, THE PEOPLE, do hereby declare

that we are united in our hearts and minds

in the belief that the principles of liberty and justice for all are the foundation of our nation. We are committed to the preservation of these principles and to the promotion of the general welfare of the people. We are also committed to the maintenance of peace and order in our society. We are determined to stand firm in our principles and to defend our rights and freedoms against all threats. We are confident that our nation will continue to prosper and thrive as long as we remain united in our purpose and our values.

We are proud to be Americans and we are proud to be part of this great nation. We are committed to the future of our country and we are committed to the future of the world.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

Done at the City of New York, this 1st day of January, 1900.

Attest: [Signature]

[Signature]

Circular No. 1469 - *Obsolete - See Director's memo of 2/16/49*

ACTIONS ON GRAZING LEASES
BY THE COMMISSIONER OF THE GENERAL LAND OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 17, 1940

The Commissioner of the General Land Office is hereby authorized to take all actions required in connection with the issuance, modification, renewal, assignment or cancelation of grazing leases, and the disposition of protests and conflicting applications, subject to the right of appeal to the Secretary of the Interior. All actions of the Commissioner will be subject to review by the Secretary on his own motion, as well as on appeal.

In order to carry these instructions into effect, paragraphs 5(f), 19, 20, 23, 24, 25, and 27 of Circular No. 1401, dated April 30, 1937 (56 I. D. 447), which are carried in the Code of Federal Regulations as Sections 160.7(f), 160.20, 160.21, 160.24, 160.25, 160.26 and 160.28 respectively, are hereby amended to read as follows:

160.7(f) (5f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Commissioner of the General Land Office as to the kind or number of stock, seasons of use or grazing plans.

160.20 (19) Offer of lease; appeals. If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by the Commissioner of the General Land Office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. The Commissioner is hereby authorized to take all actions required in connection with the issuance, modification, renewal, assignment or cancelation of grazing leases, and the disposition of protests and conflicting applications, subject to the right of appeal to the Secretary of the Interior. All actions of the Commissioner will be subject to review by the Secretary on his own motion, as well as on appeal.

160.21 (20) Issuance of lease. If the proposed lease is properly executed and returned to the General Land Office, it will be considered, together with any protests or conflicting applications. If all be found regular, a lease will be issued by the Commissioner after final action has been taken on the protests, or conflicting applications, if any. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease, or leases, will be determined by the Commissioner of the General Land Office, on the basis of all the facts presented.

160.24 (23) Term of lease. When the necessary basic information has been secured by the Division of Investigations, leases may be issued in the discretion of the Commissioner of the General Land Office for periods of not more than ten years. However, when the facts and circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data, the leases will be limited to one year. When a lease expires it may be renewed, for periods of not more than ten years, in the discretion of the Commissioner, upon such terms and conditions as he may prescribe.

160.25 (24) Use of lands. After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock raising purposes so long as such improvements do not impair the value of the lands. Upon cancelation of a lease for any reason or upon termination of a lease, except when a renewal is requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancelation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. All decisions of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancelation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.

160.26 (25) Causes for cancelation of lease. A lease may be canceled by the Commissioner of the General Land Office:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with the regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Commissioner of the General Land Office.

Each lessee must accept as final any decision rendered by the Commissioner of the General Land Office, with reference to the violations of the terms of the lease, unless the decision is modified or set aside by the Secretary of the Interior, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancellation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.

160.28 (27) Assignment of lease. Proposed assignments of a lease, in whole or in part, must be submitted to the Commissioner of the General Land Office, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Commissioner.

Amendment of lease form. The form of lease for grazing livestock, Form 4-722, is carried in the Code of Federal Regulations as Section 160.30. The attached portions of this form are hereby revised, in order to conform to the regulations, as herein amended.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: April 17, 1940

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U.S.C. 315m and sup.

160.30 Form of grazing lease.

Form 4-722

* * * * *

This indenture of lease, entered into as of _____
 by and between the United States of America, party of the first part,
 hereinafter called the lessor, acting in this behalf by the Commissioner
 of the General Land Office and _____

(Name of applicant)

of _____, party of the second
 (Post-office address)

part, hereinafter called the lessee.

* * * * *

WITNESSETH:

That the lessor, in consideration of the rents to be paid and the
 covenants to be observed as herein set forth, does hereby grant and lease
 to the lessee an exclusive right and privilege of using for grazing pur-
 poses the following described tract of land:

containing approximately _____ acres, together with the right
 to construct and maintain thereon all buildings or other improvements nec-
 essary to the full enjoyment thereof, for a period of _____ years,
 and if at the end of said period it shall be determined that a new lease
 should be granted, the lessee herein will be accorded a preference right
 thereto upon such terms and for such duration as may be fixed by the lessor.

In consideration of the foregoing, the lessee hereby agrees:

* * * * *

(f) The lessee may fence the lands or any part thereof, develop
 water by wells, tanks, water holes, or otherwise, and make or erect other
 improvements for grazing and stock raising purposes so long as such im-
 provements do not impair the value of the lands. Upon cancelation of this
 lease for any reason or other termination thereof except when a renewal is

requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. The decision of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

* * * * *

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the lease premises without the written consent of the Commissioner of the General Land Office.

* * * * *

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA

By _____
Commissioner of the General
Land Office.

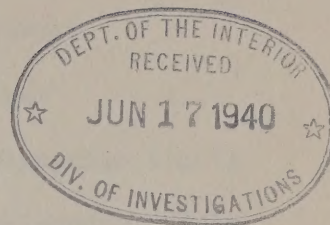
Lessee.

Witnesses to signature of Lessee:

Circular No. 1470

*Absolute -
Su Circ 1764
Superseded by 1470a*

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office



- - -

LEASE OR SALE OF TRACTS, NOT EXCEEDING FIVE ACRES,
FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES.

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a)

- - -

(Buffalo Seal)

1941

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LIBRARY OF THE
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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(SEE PAGE 1)

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STATE OF MICHIGAN

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LEASE OR SALE OF TRACTS, NOT EXCEEDING FIVE ACRES,
FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 257.1 Statutory authority; lands which may be leased or sold. The act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), authorizes the Secretary of the Interior, in his discretion, to lease or sell to any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws, a tract of not exceeding five acres, in reasonably compact form, of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any purposes, or surveyed lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935*, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site. The act is applicable to lands in such areas as Taylor grazing districts, but is not applicable to land in such reservations as national forests, national parks or national monuments. Neither is it applicable to the revested Oregon and California railroad or the reconveyed Coos Bay wagon road grant lands, in Oregon. The lands can not be leased or sold until classified for such purpose. The act does not apply to Alaska.

257.2 Policy. It is the policy of the Secretary of the Interior in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end applications for sites will be considered in the light of their effect upon the conservation of natural resources and upon the welfare not only of the applicants themselves but of the communities in which they propose to settle.

*These orders affect all remaining public lands in the states known to contain public lands and prevent the lease, sale or other disposal of such lands, except as provided in the orders, or after proper classification.

Applications will not be allowed, for example, which would lead to private ownership or control of scenic attractions or water resources that should be kept open to public use. Settlement will not be permitted which would contribute toward making public charges of the settlers. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon state or local governments for roads, schools, and police, health, and fire protection. Types of settlement or business which might create "eyesores" along public highways and parkways will be guarded against.

Where the land applied for has been withdrawn or reserved by the Secretary of the Interior, the matter will be brought to the attention of the appropriate bureau head for report.

Since the land is not intended to be devoted to producing a living, unless allocated for business, the applicant must furnish satisfactory evidence of resources insuring financial responsibility adequate to maintain himself and family, if any, and successfully to carry out the undertaking for which he proposes to use the land.

In general, use of the land through term leases, rather than outright sale, will be favored under administrative procedure. The Secretary may offer on his own motion to sell or lease at any time, as well as upon individual application.

257.3 Definition of sites. For purposes of administration the following types of sites are defined:

(a) A home site is a site suitable for a permanent, year-round residence for a single person or a family.

(b) A cabin site is a site suitable for a summer, week-end, or vacation residence.

(c) A camp site is a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc.

(d) A health site is a site suitable for the temporary or permanent residence of a single person or of a family for the prevention or cure of disease or illness.

(e) A convalescent site is a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness.

(f) A recreational site is a site chiefly suitable for non-commercial outdoor recreation.

(g) A business site is a site suitable for some form of commercial enterprise.

A single tract of five acres or less may be designated as one or more of the above types of sites. For example, a business site may also be a home site.

257.4 Execution and filing of applications. An application for lease under the act of June 1, 1938, must be filed on Form 4-775, which is made a part hereof.* All applications must be prepared with an original and three copies. The applicant must furnish the information required by that form. The application must be filed with the Register of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed in the General Land Office at Washington, D. C. Only the original application need be under oath.

Applications on Form 4-775 will be formally received on the 60th day from and after date of approval of these regulations (or the 61st day if such 60th day falls on Sunday), and not before, and preferential status will not be given to applications offered in advance of such 60th or 61st day, as the case may be.

257.5 Fee. An application for lease must be accompanied by a filing fee of \$5, which will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned.

257.6 Action on application by Register. The Register, on receipt of an application for lease, will note its filing on the tract books of his office and assign a current serial number thereto. If it is not properly executed, or is not accompanied by the required fee, or is otherwise irregular, he will reject it. The applicant will have the usual right of appeal. An application may be returned for correction of slight irregularities. The Register will not allow the application, but will forward the original application and copies thereof to the General Land Office with his semi-monthly returns.

257.7 No lease to issue before the land is classified. No lease will be offered and no sale will be authorized until the land is classified by the Secretary as coming within the provisions of the act and all else is found to be regular. Upon the receipt of the application and prescribed copies thereof in the General Land Office, and if the application appears to be regular, the General Land Office will, where the land applied for has been withdrawn or reserved by the Secretary, bring the application to the attention of the appropriate bureau head for report. Upon the receipt of a report from the bureau head under whose supervision the land withdrawn or reserved by the Secretary falls, that the allowance of the application is not incompatible with the

*See page 8

A single copy of this notice or form may be furnished as one of the three copies of notice. The number of business days may also be a day after.

20.4. **Exemption and Relief of Application.** An application for exemption from the provisions of the Act, 1954, may be filed on Form 4-705, which is known as "Form 4-705". All applications must be supported with an affidavit and sworn to. The application must contain the information required by the Act. The application must be filed with the District Court of the United States for the District of Columbia. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States.

20.5. **Exemption from the provisions of the Act, 1954.** An application for exemption from the provisions of the Act, 1954, may be filed on Form 4-705, which is known as "Form 4-705". All applications must be supported with an affidavit and sworn to. The application must contain the information required by the Act. The application must be filed with the District Court of the United States for the District of Columbia. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States.

20.6. **Exemption from the provisions of the Act, 1954.** An application for exemption from the provisions of the Act, 1954, may be filed on Form 4-705, which is known as "Form 4-705". All applications must be supported with an affidavit and sworn to. The application must contain the information required by the Act. The application must be filed with the District Court of the United States for the District of Columbia. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States.

20.7. **Exemption from the provisions of the Act, 1954.** An application for exemption from the provisions of the Act, 1954, may be filed on Form 4-705, which is known as "Form 4-705". All applications must be supported with an affidavit and sworn to. The application must contain the information required by the Act. The application must be filed with the District Court of the United States for the District of Columbia. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States.

20.8. **Exemption from the provisions of the Act, 1954.** An application for exemption from the provisions of the Act, 1954, may be filed on Form 4-705, which is known as "Form 4-705". All applications must be supported with an affidavit and sworn to. The application must contain the information required by the Act. The application must be filed with the District Court of the United States for the District of Columbia. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States. The application must be filed in the District Court of the United States.

purpose for which the land was withdrawn or reserved by the Secretary, the General Land Office will as to all such applications and all other applications filed under the act, proceed to have such studies and field examinations made through its own officers, or through the cooperation of other agencies, as will permit of proper action.

257.8 Occupancy; segregation of lands. The filing of any application hereunder does not give the applicant the right to occupy, or settle upon, the land prior to the allowance of the application, but will segregate the land from other disposition under the public land laws subject to prior valid rights.

257.9 Issuance of lease. If a lease is authorized, it will be prepared in quadruplicate on Form 4-776, which is made a part hereof*. The proposed lease will be transmitted by the General Land Office to the district land office, for execution by the applicant. The terms, covenants and stipulations which will be inserted in the lease are shown by the lease form. When the proposed lease is properly executed and returned to the General Land Office, it will be transmitted with appropriate recommendation to the Secretary of the Interior for consideration.

257.10 Term of lease. A lease will not be issued for a period of more than 5 years, unless the character of the venture justifies a longer period.

257.11 Lease rental. Each lessee must pay the annual rental, in advance, to the proper district land office, or to the Commissioner of the General Land Office if the land is in a state in which there is no district land office. The amount of the rental will be determined by the Secretary of the Interior.

257.12 Sale. If sale is authorized by the Secretary of the Interior, the applicant will be allowed 30 days from service of notice to deposit the amount of the purchase price, which will be fixed by the Secretary of the Interior and which will not be less than \$1.25 per acre, and the cost of survey. If a deposit is not made within the time allowed, the application will be rejected. An application for sale should be made on Form 4-775**, appropriately modified.

257.13 Publication and posting. After deposit of purchase price has been made in those cases where sale has been authorized by the Secretary, publication and posting of notice of the application will be required. If duly made, and no protest is filed, cash certificate will be issued, to be followed by patent. Publication will be made at the expense of the applicant. Where a daily paper is designated the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues; if semi-weekly or tri-weekly, in any of the issues for 5 consecutive weeks on the same day each week.

*See page 14

**See page 8

The notice will be posted in the district land office, or if there is no district land office, in the General Land Office, during the period of publication.

Publication and posting will not be required in connection with an application for lease.

257.14 Minerals. Any deposits of coal, oil, gas or other minerals subject to the leasing laws, in the lands patented or leased under the terms of this law, may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands, and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

257.15 Timber. A lessee will not be permitted to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement of his plans and until after permission to cut the timber has been granted. Each such request will be the subject of a field examination, if necessary, and action on the request will follow.

257.16 Rectangular tracts. The official township plats ordinarily provide the basis for descriptions of tracts, in compact form, in units of 5, $2\frac{1}{2}$, or $1\frac{1}{4}$ acres. Where a tract, not exceeding five acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government.*

257.17 Supplemental plats. Where a tract is situated in the fractional portion of a sectional lotting, a supplemental plat may be required in order to afford a suitable description. The plat will be prepared at the time of the approval of the application.

257.18 Irregular tracts. Where the rectangular form does not make the most desirable plan for development, a tract irregular in form may be applied for, not in excess of five acres. A metes-and-bounds description** will be required in the application, sufficiently complete to identify the location, boundary and area of the tract, which will be regarded as defining its maximum limits.

*The dimensions of a five-acre unit are substantially 5.00 chains by 10.00 chains (330 feet by 660 feet).

**The direction and length of the connecting line from the initial point on the boundary to the nearest public-land survey corner, and the direction and length of each boundary course.

257.19 Tracts on unsurveyed land. Unsurveyed public lands are not subject to sale or lease under the provisions of the act. Should an application be filed for land over which the rectangular system of surveys has not been extended, the Register will reject it. The applicant will have the usual right of appeal. Where the site desired is on unsurveyed lands, request may be made for the survey of such lands under the rectangular system of surveys. Such request should be filed with the Public Survey Office of the State in which the lands are situated, or with the General Land Office if they are not within an organized surveying district. The description must be sufficiently complete to identify the location, boundary and area of the land. There should also be given the approximate description or location of the land by section, township and range. A person who requests the extension of the rectangular system of surveys over an unsurveyed area does not, by making such request, acquire preferential right to apply for the land under this act upon the completion of the survey and the official filing of the plat. After the survey is completed and the official township plat is placed of record, the surveyed area will be subject to the provisions of the act and applications may then be filed.

257.20 Cost of special official survey of an irregular tract. Where a special official survey is required of an irregular tract for the purpose of patent description, the applicant will be required to make an advance payment to the Register of the proper district land office, or to the Commissioner of the General Land Office if the land is in a state in which there is no district land office, equal to the estimated cost of executing the survey, before the General Land Office will undertake the field work in connection therewith. The cost will be prorated if there is a group of contiguous or closely associated tracts to be surveyed at any one time, and credit for such payments will be allowed when final settlement is made preceding the issuance of patent.

257.21 Cooperation with other agencies. All applications will be considered in the light of the land use programs of the Federal Government and of local planning agencies.

257.22 Renewal of lease; preference rights. Upon the filing of an application for the renewal of a lease, not more than six months or less than sixty days prior to its expiration, the lessee, in the discretion of the Secretary, will be accorded the preference right to a new lease, upon such terms and for such duration as may be fixed by the Secretary, if the terms of the lease have been complied with and the Secretary shall determine that a new lease should be granted. On the filing of an application for the renewal of a lease, the Register will promptly forward the same by special letter to the General Land Office. A lessee who is entitled to a renewal lease will be accorded a preference right to purchase the land after the expiration of the lease, if the Secretary, in his discretion, authorizes the sale of the land and an application to purchase is seasonably filed.

257.23 Assignment of lease and subletting. The lessee will not be permitted to assign the lease, or any interest therein, nor to sublet any portion of the leased premises, without the approval of the Secretary of the Interior. A proposed assignment must be supported by a showing that the assignee has the qualifications required of an applicant and that he agrees to be bound by the provisions of the lease.

257.24 Cancellation of lease. A lease will be subject to cancellation by the Secretary of the Interior for failure of the lessee to make any required payment of annual rental within the time prescribed, or for failure of the lessee otherwise to perform any of the terms, covenants and stipulations of the lease, or of any regulations issued under the act, where such default has continued for 30 days after written notice thereof. Upon cancellation by the Secretary the lease will terminate and be of no further force or effect.

257.25 Purchase, lease, restrictions. No person shall be permitted to purchase or lease more than one tract under the provisions of this act, except upon a showing of good faith and reasons satisfactory to the Secretary, and then only in the discretion of the Secretary. When more than one tract is applied for under the provisions of this act by one and the same person, each such application must be complete in itself, be upon the prescribed form, be accompanied by the prescribed filing fee, and otherwise be in accordance with all of the applicable regulations issued under the act, and a showing of necessity in the premises. Only one tract, not exceeding five acres, may be embraced in any one application filed under the act; and, in each application filed under the act to purchase or lease more than one tract, the applicant filing the same must list, by land office and serial numbers, all prior applications filed by such person under the act, or, if this is not practicable, must describe the place where (district land office, or General Land Office, as the case may be), and when all such applications were filed by such applicant.

(Sgd) Fred W. Johnson,

Commissioner.

APPROVED: June 10, 1940.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

(These regulations are issued under authority of 52 Stat 609; 43 U. S. C. 682a.)

THE BOARD OF DIRECTORS OF THE COMPANY, INCORPORATED IN THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF THE COMPANY AS AT THE CLOSE OF THE FISCAL YEAR ENDING DECEMBER 31, 1924.

ASSETS

CASH \$100,000.00

RECEIVABLES 50,000.00

INVENTORY 20,000.00

FIXED ASSETS 10,000.00

LIABILITIES

PAID UP CAPITAL \$1,000,000.00

RESERVE FUND 500,000.00

DEBTS 100,000.00

THE BOARD OF DIRECTORS OF THE COMPANY, INCORPORATED IN THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF THE COMPANY AS AT THE CLOSE OF THE FISCAL YEAR ENDING DECEMBER 31, 1925.

ASSETS

CASH \$120,000.00

RECEIVABLES 60,000.00

INVENTORY 25,000.00

FIXED ASSETS 15,000.00

LIABILITIES

PAID UP CAPITAL \$1,000,000.00

RESERVE FUND 550,000.00

DEBTS 120,000.00

(Sgd) J. V. [Name]

President

WITNESSED this 1st day of [Month]

(Sgd) [Name]

Secretary of the Company

(This certificate was filed with the Secretary of the State of New York on this 1st day of [Month] 1925.)

Form 4-775

(All applications must be prepared with an original and 3 copies. See footnote, paragraph 1.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No. _____

Receipt No. _____

(Location of district land office.) _____

APPLICATION UNDER FIVE-ACRE LAW

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a.)

(a) I, _____
(Give full Christian name)

of _____,
(Street and number or other address) (City or town, and State.)

hereby petition for the classification and opening under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), of public lands not exceeding approximately five acres, described as follows: _____
(See footnote, paragraph 2.)

Section _____, Township _____, Range _____,

Meridian, containing _____ acres, and I hereby make application to lease that tract.

(b) For what period do you desire a lease? _____
(See footnote, paragraph 3.)

(c) State facts as to your citizenship. _____
(See footnote, paragraph 4.)

1. This application must be
filled out on a separate sheet
of paper. The following information
must be provided:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Applicant's Name: _____
Address: _____
City: _____ State: _____ Zip: _____

Location of Land: _____
Acres: _____

APPLICATION FOR LAND ACQUISITION

1. I am applying for the acquisition of the following land:

(a) _____
(b) _____
(c) _____

(d) _____
(e) _____
(f) _____

(g) _____
(h) _____
(i) _____
(j) _____

(k) _____
(l) _____
(m) _____

(n) _____
(o) _____
(p) _____

(q) _____
(r) _____
(s) _____

(t) _____
(u) _____
(v) _____

(w) _____
(x) _____
(y) _____

(z) _____
(aa) _____
(ab) _____

(ac) _____
(ad) _____
(ae) _____

(af) _____
(ag) _____
(ah) _____

(ai) _____
(aj) _____
(ak) _____

(d) Give your age. _____ If under 21, state whether you are the head of a family and the circumstances under which you claim such status. _____

(e) Give the names and ages of members of your family, or others who are chiefly dependent upon you for support. _____

(f) State the facts as to springs or water holes, if any, on the land, and as to other waters, if any, on or having a relation to the land. _____

(See footnote, paragraph 5.)

(g) From what source do you propose to obtain water for domestic use? _____

(h) To the best of your knowledge, does the land contain minerals? _____

_____. If so, state the facts. _____

(i) Does the land contain timber? _____ If so, state the facts. _____

(j) Will it be necessary for you to cut timber, in order to clear the land, or for use as improvements? _____. If so, state what timber must be cut. _____

(See footnote, paragraph 6.)

(k) What use do you propose to make of the land? _____

(See footnote, paragraph 7.)

(l) If the site is to be used in whole or in part for business, do you agree to conduct all business operations in an orderly manner and in accordance with all requirements of the laws of the State in which the land is located, as well as the laws of the United States? _____. If the site is for business, give the names and addresses of two persons to whom reference may be made as to your reputation and business standing. _____

(m) What improvements do you intend to make on the land? _____

(Describe the improvements, in detail. Attach drawings, if convenient.)

(n) Give estimated cost of the proposed improvements. \$ _____

Of the annual maintenance of the proposed improvements. \$ _____

(o) What sanitation and toilet facilities will be provided? _____

(p) Do you agree to observe all state, county and other sanitary laws and regulations applicable to the premises and to keep the premises in a neat and orderly condition? _____

(q) On what financial resources do you depend for the support of yourself and family, if any, and the success of this undertaking? _____

(See footnote, paragraph 8.)

(r) Is this application made for your own use and benefit? _____

(s) Is the land now improved, occupied or used? _____

If so, by whom and for what purposes? _____
(Name and address)

(Purposes for which land is used)

(t) Give names and state distances from the tract applied for to nearest:

Improved road. _____

School. _____

Town, village or trading center. _____

(u) Have you examined the land? _____ If so, when? _____

(v) Have you heretofore applied for the tract under this five-acre law? _____
If so, identify such application by land office and serial number, or otherwise.

(See footnote, paragraph 10.)

(Sign here with full Christian name
and surname.)

I certify that the foregoing application was read to or by the above-named applicant before the applicant affixed his signature thereto; that I verily believe him to be a credible person, and the identical person hereinbefore described; that said application was duly subscribed and sworn to by applicant before me at my office at _____, this _____ day of

_____, 19____.

(See footnote, paragraph 9.)

(Official designation of officer.)

(a) Have you examined the last? It was about

(b) Have you investigation applied for the same under this title last? It is, chiefly, and application by Jack Wilson and Carl Weber, an attorney at

(See letter to, paragraph 10.)

(Date with with this Division memo
and comments.)

I certify that the foregoing application was read to me by the above-named
applicant before the applicant signed the application. I certify that I
have also, in a suitable way, and the identical person have been identified,
that said application was duly submitted and sworn to by applicant before me as
an officer of _____, this _____ day of _____.

(See letter to, paragraph 10.)

(See letter to, paragraph 10.)

FOOTNOTE

1. The application must be prepared with an original and three copies, and filed in the proper district land office. If the land is in a State in which there is no district land office, the application must be filed in the General Land Office, Washington, D. C. The application must be accompanied by a fee of \$5.

2. The land, not in excess of 5 acres, must be described by aliquot parts of a legal subdivision or subdivisions, if possible. The official township plats ordinarily provide the basis for description of tracts, in compact form, in units of 5, $2\frac{1}{2}$, or $1\frac{1}{4}$ acres. Where a tract, not exceeding 5 acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government. Plats showing the official surveys are available for public inspection at the land office for the district in which the lands are situated, at the proper Public Survey Office, and at the General Land Office, Washington, D. C.

Where the rectangular form does not make the most desirable plan for development, a tract, irregular in form, may be applied for, not in excess of 5 acres. In such cases, a metes-and-bounds description (the direction and length of the connecting line from the initial point on the boundary to the nearest public-land survey corner, and the direction and length of each boundary course), will be required in the application, sufficiently complete to identify the location, boundary, and area of the tract, which will be regarded as defining its maximum limits.

Should an application be filed for land over which the rectangular system of surveys has not been extended, the Register will reject it.

3. Leases will not be issued for periods of more than 5 years, unless the character of the venture justifies a longer period.

4. Applicant must state whether he is a citizen of the United States or has declared his intention to become such citizen. If not native born, he must give the date of his naturalization or declaration, the title and location of the court in which the proceedings were heard, and the number, if any, of the document.

5. If there are springs or water holes on the land, applicant should state the size thereof and give an estimate of the quantity of water in gallons they are capable of producing daily. If any part or parts of the land are irrigated, or are under constructed or proposed irrigation ditches or canals, their location, area, source of water supply, and other pertinent facts should be stated. The relation of the tract to surface streams or springs rising on or flowing across it or in its vicinity should be indicated. The location and depth of wells, elevation or water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity.

1. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

2. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

3. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

4. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

5. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

6. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

7. The investigation was conducted in accordance with the provisions of the Act, and the results of the investigation are set forth in the report. It is the policy of the Department to conduct such investigations in a prompt and efficient manner, and to make such investigations as may be necessary to determine the facts and circumstances of the case.

6. A lessee will not be permitted to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement as to his plans and until after permission to cut the timber has been granted.

7. Applicant must state the purposes for which the tract is to be used, which may include one or more of the following: (a) A home site--a site suitable for a permanent, year-round residence for a single person or a family. (b) A cabin site--a site suitable for a summer, week-end, or vacation residence. (c) A camp site--a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc. (d) A health site--a site suitable for the temporary or permanent residence of a single person or of a family for the prevention of disease or illness. (e) A convalescent site--a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness. (f) A recreational site--a site chiefly suitable for non-commercial outdoor recreation. (g) A business site--a site suitable for some form of commercial enterprise. A tract may be designated as one or more of the above types of sites. For example, a business site may also be a home site. It is important that the application should specify all purposes for which it is intended or desired to use the land, which must be limited to the types of use herein specified.

8. Since the land is not intended to be devoted to producing a living, unless allocated for business, the applicant must furnish satisfactory evidence of resources insuring financial responsibility adequate to maintain himself and family, if any, and successfully to carry out the undertaking for which he proposes to use the land.

9. The application must be executed under oath. It may be sworn to before the register or the acting register of the proper district land office or before any other officer qualified to administer oaths. Except as to the register, or the acting register, the official character of any officer not using a seal of office must be certified to under the seal of the clerk of court having the record of his appointment and qualifications. Only the original application need be sworn to.

10. Only one tract, not exceeding 5 acres, may be embraced in any one application filed under the act of June 1, 1938; and, in each application filed under the act to purchase or lease more than one tract, the application must be complete in itself, and the applicant filing the same must list, by land office and serial numbers, all prior applications filed by such person under the act, or, if this is not practicable, must describe the place where (district land office, or General Land Office, as the case may be), and when all such applications were filed by such applicant.

Form 4-776

(To be executed in
quadruplicate)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No.

LEASE UNDER FIVE-ACRE LAW

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a)

- - -

This indenture of lease, entered into as of _____,
by and between the United States of America, party of the first part, here-
inafter called the Lessor, acting in this behalf by the Secretary
of the Interior, and _____

of

party of the second part, hereinafter called the Lessee, under, pursuant,
and subject to the terms and provisions of the act of Congress approved
June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the regulations there-
under, all of which are made a part hereof.

WITNESSETH:

That the Lessor, in consideration of the rents to be paid and the
covenants to be observed as herein set forth, does hereby grant and lease
to the Lessee in exclusive right and privilege of using for
purpose the following described tract of land:

Section _____, Township _____, Range _____

Meridian, containing _____ acres, to-
gether with the right to construct and maintain thereon all buildings or
other improvements necessary to the full enjoyment thereof for the pur-
poses for which this lease is given, for a period of _____ years. Upon
filing an application for renewal of the lease, not more than 6 months or
less than 60 days prior to the expiration thereof, the Lessee, in the dis-
cretion of the Secretary, will be accorded a preference right to a new
lease, upon such terms and for such duration as may be fixed by the Lessor,
if the terms of the lease have been complied with and the Lessor shall de-
termine that a new lease should be granted. Lessee, if entitled to a re-
newal lease, will be accorded a preference right to purchase the land after
the expiration of the lease, if the Secretary, in his discretion, authorizes
the sale of the land and an application to purchase is seasonably filed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Wash., D.C.

June 10, 1964

Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation, Washington, D.C.

Re: Bureau of Land Management, Department of the Interior, Washington, D.C. File No. 100-100000-100000.

Enclosed for the Bureau of Land Management are two copies of a letterhead memorandum dated and captioned as above.

Very truly yours,
[Signature]

Enclosed for the Bureau of Land Management are two copies of a letterhead memorandum dated and captioned as above.

In consideration of the foregoing, the Lessee hereby agrees:

- (a) To pay the Lessor, in advance, an annual rental of \$
- (b) To construct the following described improvements upon the land:
- (c) Not to construct upon the land buildings or structures of any kind which are not in keeping with the purposes for which this lease is granted.
- (d) To observe all state, county and other laws and regulations which are applicable to the premises, including sanitary laws and regulations and laws relating to the cost and maintenance of partition fences, and to keep the premises in a neat and orderly condition.
- (e) If the site is to be used in whole or in part for business, to conduct all business operations in an orderly manner and in accordance with the requirements of the laws of the state in which the land is located, as well as the laws of the United States.
- (f) Not to commit waste or injury to the land, or to devote it to any occupation or use other than the purposes for which this lease is issued.
- (g) To take all reasonable precautions to prevent and suppress forest, brush and grass fires.
- (h) That neither he nor members of his family, or employees, will set fires that will result in damage, and that fires will be extinguished before the premises are left unattended.
- (i) Not to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement of his plans and until after permission to cut the timber has been granted.
- (j) To take all possible precautions to prevent pollution of waters on and in the vicinity of this tract.
- (k) To observe all laws and regulations for the protection of game animals, game birds, and non-game birds, and not to disturb such animals or birds unnecessarily.

It is further understood and agreed:

- (a) That there is reserved to the United States all of the coal, oil, gas and other mineral deposits in the leased land; that any deposits of coal, oil, gas, or other minerals subject to the leasing laws in the leased land may be disposed of under applicable laws and regulations in force at the time of such disposal; that the right to prospect for, mine and remove the other kinds of minerals that may be found in the leased land shall be subject to such rules and regulations as may be prescribed by the Lessor and that until such rules and regulations have been issued such reserved deposits will not be subject to disposition, or prospecting.
- (b) That nothing contained in this lease shall restrict the acquisition, granting or use of permits or rights of way under existing laws.
- (c) That miners and prospectors for minerals, when duly authorized by the Lessor, and other persons entitled to enter the leased premises for lawful purposes will not be prevented from doing so.
- (d) That the Lessee will not enclose roads or trails commonly used for public travel.

(e) That authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(f) That the Lessee shall not sell or remove any timber growing on the leased land, for use elsewhere.

(g) That this lease is granted subject to valid existing rights.

(h) That this lease shall be subject to cancellation by the Secretary of the Interior for failure of the Lessee timely to make any required payment of annual rental, or for failure of the Lessee otherwise to perform or observe any of the terms, covenants and stipulations hereof, or of any of the regulations issued under the act of June 1, 1938, where such default has continued for 30 days after written notice thereof by the Lessor.

(i) That upon the cancellation of this lease for any reason, or upon its expiration, unless a renewal is requested, the Lessee will be allowed a reasonable time, to be determined by the Lessor, within which to remove his improvements from the land, or to make other disposition thereof. Upon the failure of the Lessee to take such action, the improvements will become the property of the United States.

(j) That the Lessee will not assign this lease, or any interest therein, nor sublet any portion of the leased premises, without the approval of the Secretary of the Interior, and will not speculate in the privileges herein granted. The approval of a transfer will be withheld, if it is for speculative purposes.

(k) It is further covenanted and agreed that each obligation hereunder shall extend to, and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

(l) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and that the provisions of Section 3741 of the Revised Statutes (41 U.S.C. 22), and Sections 114, 115, and 116 of the Penal Laws of the United States approved March 4, 1909 (35 Stat. 1109; 18 U.S.C. 204-206), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA,

By _____
Secretary of the Interior, Lessor

Witnesses to signature of Lessee: _____

Lessee

Note - Any erasure, insertion, or mutilation must be certified to as made before signing.

Circular No. 1470a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

*Obsolete -
See Circ. 1764*

LEASE OR SALE OF TRACTS, NOT EXCEEDING FIVE ACRES,
FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES.

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a)

(Reprint, August 10, 1942, with amendments.)

*Parts 257.1 - 257.21
amended by Circ. 1647*

*Amended in part by Circ. ~~1625~~
1602*

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LEASE OR SALE OF TRACTS, NOT EXCEEDING FIVE ACRES,
FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT,
RECREATIONAL OR BUSINESS SITES.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 257.1 Statutory authority: lands which may be leased or sold. The act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), authorizes the Secretary of the Interior, in his discretion, to lease or sell to any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws, a tract of not exceeding five acres, in reasonably compact form, of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any purposes, or surveyed lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935¹, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site. The act is applicable to lands in such areas as Taylor grazing districts, but is not applicable to land in such reservations as national forests, national parks or national monuments. Neither is it applicable to the revested Oregon and California railroad or the reconveyed Coos Bay wagon road grant lands, in Oregon. The lands can not be leased or sold until classified for such purpose. The act does not apply to Alaska.

257.2 Policy. It is the policy of the Secretary of the Interior in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end applications for sites will be considered in the light of their effect upon the conservation of natural resources and upon the welfare not only of the applicants themselves but of the communities in which they propose to settle.

¹/ These orders affect all remaining public lands in the states known to contain public lands and prevent the lease, sale or other disposal of such lands, except as provided in the orders, or after proper classification.

Applications will not be allowed, for example, which would lead to private ownership or control of scenic attractions or water resources that should be kept open to public use. Settlement will not be permitted which would contribute toward making public charges of the settlers. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon state or local governments for roads, schools, and police, health, and fire protection. Types of settlement, or business which might create "eyesores" along public highways and parkways will be guarded against.

Where the land applied for has been withdrawn or reserved by the Secretary of the Interior, the matter will be brought to the attention of the appropriate bureau head for report.

Since the land is not intended to be devoted to producing a living, unless allocated for business, the applicant must furnish satisfactory evidence of resources insuring financial responsibility adequate to maintain himself and family, if any, and successfully to carry out the undertaking for which he proposes to use the land.

In general, use of the land through term leases, rather than outright sale, will be favored under administrative procedure. The Secretary may offer on his own motion to sell or lease at any time, as well as upon individual application.

257.3 Definition of sites. For purposes of administration the following types of sites are defined:

(a) A home site is a site suitable for a permanent, year-round residence for a single person or a family.

(b) A cabin site is a site suitable for a summer, week-end, or vacation residence.

(c) A camp site is a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc.

(d) A health site is a site suitable for the temporary or permanent residence of a single person or of a family for the prevention or cure of disease or illness.

(e) A convalescent site is a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness.

(f) A recreational site is a site chiefly suitable for non-commercial outdoor recreation.

(g) A business site is a site suitable for some form of commercial enterprise.

A single tract of five acres or less may be designated as one or more of the above types of sites. For example, a business site may also be a home site.

257.4 Execution and filing of applications. An application for lease under the act of June 1, 1938, must be filed on Form 4-775, ~~which is made a part hereof.~~^{2/} All applications must be prepared with an original and one copy. The applicant must furnish the information required by that form. The application must be filed with the Register of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed in the General Land Office at Washington, D. C. Only the original application need be under oath.^{3/}

Applications on Form 4-775 will be formally received on the 60th day from and after date of approval of these regulations (or the 61st day if such 60th day falls on Sunday), and not before, and preferential status will not be given to applications offered in advance of such 60th or 61st day, as the case may be.

257.5 Fee. An application for lease must be accompanied by a filing fee of \$5, which will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned.

257.6 Action on application by Register. The Register, on receipt of an application for lease, will note its filing on the tract books of his office and assign a current serial number thereto. If it is not properly executed, or is not accompanied by the required fee, or is otherwise irregular, he will reject it. The applicant will have the usual right of appeal. An application may be returned for correction of slight irregularities. The Register will not allow the application, but will forward the original application and copy thereof to the General Land Office with his semi-monthly returns.^{3/}

257.7 No lease to issue before the land is classified. No lease will be offered and no sale will be authorized until the land is classified by the Secretary as coming within the provisions of the act and all else is found to be regular. Upon the receipt of the application and prescribed copy thereof in the General Land Office, and if the application appears to be regular, the General Land Office will, where the land applied for has been withdrawn or reserved by the Secretary, bring the application to the attention of the appropriate bureau head for report. Upon the receipt of a report from the bureau head under whose supervision the land withdrawn or reserved by the Secretary falls, that the allowance of the application is not incompatible with the

2/ Copy attached.

3/ Amended by Circ. 1506, March 25, 1942.

purpose for which the land was withdrawn or reserved by the Secretary, the General Land Office will as to all such applications and all other applications filed under the act, proceed to have such studies and field examinations made through its own officers, or through the cooperation of other agencies, as will permit of proper action.^{4/}

257.8 Occupancy; segregation of lands. The filing of any application hereunder does not give the applicant the right to occupy, or settle upon, the land prior to the allowance of the application, but will segregate the land from other disposition under the public land laws subject to prior valid rights.

257.9 Issuance of lease. If a lease is authorized, it will be prepared in quadruplicate on Form 4-776, which is made a part hereof.^{5/} The proposed lease will be transmitted by the General Land Office to the district land office, for execution by the applicant. The terms, covenants and stipulations which will be inserted in the lease are shown by the lease form. When the proposed lease is properly executed and returned to the General Land Office, it will be transmitted with appropriate recommendation to the Secretary of the Interior for consideration.

257.10 Term of lease. A lease will not be issued for a period of more than 5 years, unless the character of the venture justifies a longer period.

257.11 Lease rental. Each lessee must pay the annual rental, in advance, to the proper district land office, or to the Commissioner of the General Land Office if the land is in a state in which there is no district land office. The amount of the rental will be determined by the Secretary of the Interior.

257.12 Sale. If sale is authorized by the Secretary of the Interior, the applicant will be allowed 30 days from service of notice to deposit the amount of the purchase price, which will be fixed by the Secretary of the Interior and which will not be less than \$1.25 per acre, and the cost of survey. If a deposit is not made within the time allowed, the application will be rejected. An application for sale should be made on Form 4-775^{6/}, appropriately modified.

257.13 Publication and posting. After deposit of purchase price has been made in those cases where sale has been authorized by the Secretary, publication and posting of notice of the application will be required. If duly made, and no protest is filed, cash certificate will be issued, to be followed by patent. Publication will be made at the expense of the applicant. Where a daily paper is designated the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues; if semi-weekly or tri-weekly, in any of the issues for 5 consecutive weeks on the same day each week.

^{4/} Amended by Circ. 1506, Mar. 25, 1942.

^{5/} Copy attached.

^{6/} Copy attached.

S² NE⁴ NE SE⁴

The notice will be posted in the district land office, or if there is no district land office, in the General Land Office, during the period of publication.

Publication and posting will not be required in connection with an application for lease.

257.14 Minerals. Any deposits of coal, oil, gas or other minerals subject to the leasing laws, in the lands patented or leased under the terms of this law, may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands, and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

257.15 Timber. A lessee will not be permitted to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement of his plans and until after permission to cut the timber has been granted. Each such request will be the subject of a field examination, if necessary, and action on the request will follow.

257.16 Rectangular tracts. The official township plats ordinarily provide the basis for descriptions of tracts, in compact form, in units of 5, 2 $\frac{1}{2}$, or 1 $\frac{1}{4}$ acres. Where a tract, not exceeding five acres, can be conformed to legal subdivisions of the survey, additional official survey will ordinarily be made by the Government.^{7/}

257.17 Supplemental plats. Where a tract is situated in the fractional portion of a sectional lotting, a supplemental plat may be required in order to afford a suitable description. The plat will be prepared at the time of the approval of the application. If the subdivision of the sectional lotting would result in narrow strips or other areas containing less than 2 $\frac{1}{2}$ acres, not suitable for sale or lease as separate units, such excess areas, in the discretion of the Commissioner of the General Land Office, may be included in the adjoining 5-acre tracts.^{8/}

257.18 Irregular tracts. Where the rectangular form does not make the most desirable plan for development, a tract irregular in form may be applied for, not in excess of five acres. A metes-and-bounds description^{9/} will be required in the application, sufficiently complete to identify the location, boundary and area of the tract, which will be regarded as defining its maximum limits.

^{7/} The dimensions of a five-acre unit are substantially 5.00 chains by 10.00 chains (330 feet by 660 feet).

^{8/} Amended by Circ. 1491, July 3, 1941.

^{9/} The direction and length of the connecting line from the initial point on the boundary to the nearest public-land survey corner, and the direction and length of each boundary course.

257.19 Tracts on unsurveyed land. Unsurveyed public lands are not subject to sale or lease under the provisions of the act. Should an application be filed for land over which the rectangular system of surveys has not been extended, the Register will reject it. The applicant will have the usual right of appeal. Where the site desired is on unsurveyed lands, request may be made for the survey of such lands under the rectangular system of surveys. Such request should be filed with the Public Survey Office of the State in which the lands are situated, or with the General Land Office if they are not within an organized surveying district. The description must be sufficiently complete to identify the location, boundary and area of the land. There should also be given the approximate description or location of the land by section, township and range. A person who requests the extension of the rectangular system of surveys over an unsurveyed area does not, by making such request, acquire preferential right to apply for the land under this act upon the completion of the survey and the official filing of the plat. After the survey is completed and the official township plat is placed on record, the surveyed area will be subject to the provisions of the act and applications may then be filed.

257.20 Cost of special official survey of an irregular tract. Where a special official survey is required of an irregular tract for the purpose of patent description, the applicant will be required to make an advance payment to the Register of the proper district land office, or to the Commissioner of the General Land Office if the land is in a state in which there is no district land office, equal to the estimated cost of executing the survey, before the General Land Office will undertake the field work in connection therewith. The cost will be prorated if there is a group of contiguous or closely associated tracts to be surveyed at any one time, and credit for such payments will be allowed when final settlement is made preceding the issuance of patent.

257.21 Cooperation with other agencies. All applications will be considered in the light of the land use programs of the Federal Government and of local planning agencies.

257.22 Renewal of lease; preference rights. Upon the filing of an application for the renewal of a lease, not more than six months or less than sixty days prior to its expiration, the lessee, in the discretion of the Secretary, will be accorded the preference right to a new lease, upon such terms and for such duration as may be fixed by the Secretary, if the terms of the lease have been complied with and the Secretary shall determine that a new lease should be granted. On the filing of an application for the renewal of a lease, the Register will promptly forward the same by special letter to the General Land Office. A lessee who is entitled to a renewal lease will be accorded a preference right to purchase the land after the expiration of the lease, if the Secretary, in his discretion, authorizes the sale of the land and an application to purchase is seasonably filed.

257.23 Assignment of lease and subletting. The lessee will not be permitted to assign the lease, or any interest therein, nor to sublet any portion of the leased premises, without the approval of the Secretary of the Interior. A proposed assignment must be supported by a showing that the assignee has the qualifications required of an applicant and that he agrees to be bound by the provisions of the lease.

257.24 Cancellation of lease. A lease will be subject to cancellation by the Secretary of the Interior for failure of the lessee to make any required payment of annual rental within the time prescribed, or for failure of the lessee otherwise to perform any of the terms, covenants and stipulations of the lease, or of any regulations issued under the act, where such default has continued for 30 days after written notice thereof. Upon cancellation by the Secretary the lease will terminate and be of no further force or effect.

257.25 Purchase, lease, restrictions. No person shall be permitted to purchase or lease more than one tract under the provisions of this act, except upon a showing of good faith and reasons satisfactory to the Secretary, and then only in the discretion of the Secretary. When more than one tract is applied for under the provisions of this act by one and the same person, each such application must be complete in itself, be upon the prescribed form, be accompanied by the prescribed filing fee, and otherwise be in accordance with all of the applicable regulations issued under the act, and a showing of necessity in the premises. Only one tract, not exceeding five acres, may be embraced in any one application filed under the act; and, in each application filed under the act to purchase or lease more than one tract, the applicant filing the same must list, by land office and serial numbers, all prior applications filed by such person under the act, or, if this is not practicable, must describe the place where (district land office, or General Land Office, as the case may be), and when all such applications were filed by such applicant.

(Sgd) Fred W. Johnson,

Commissioner.

APPROVED: June 10, 1940.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

(These regulations are issued under authority of 52 Stat. 609; 43 U. S. C. 682a.)

17th July 1941. The first of the series of lectures given by the author at the Royal Institution, London, on the subject of the structure of the atom. The lecture was given in the presence of a large audience and was well received.

The lecture was given in the presence of a large audience and was well received. The author discussed the structure of the atom and the nature of the forces which hold it together. He also discussed the nature of the light and the nature of the matter.

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Form 4-775

(All applications must be prepared with an original and one copy. See footnote, paragraph 1.) 1/

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No. _____

(Location of district land office.) _____

Receipt No. _____

APPLICATION UNDER FIVE-ACRE LAW

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a.)

(a) I, _____
(Give full Christian name)

of _____
(Street and number or other address) (City or town, and State.)

hereby petition for the classification and opening under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), of public lands not exceeding approximately five acres, described as follows: _____

(See footnote, paragraph 2.)

Section _____, Township _____, Range _____,

Meridian, containing _____ acres, and I hereby make application to lease that tract.

(b) For what period do you desire a lease? _____
(See footnote, paragraph 3.)

(c) State facts as to your citizenship. _____
(See footnote, paragraph 4.)

(d) Give your age._____ If under 21, state whether you are the head of a family and the circumstances under which you claim such status._____

(e) Give the names and ages of members of your family, or others who are chiefly dependent upon you for support. _____

(f) State the facts as to springs or water holes, if any, on the land, and as to other waters, if any, on or having a relation to the land. _____

(See footnote, paragraph 5.)

(g) From what source do you propose to obtain water for domestic use? _____

(h) To the best of your knowledge, does the land contain minerals? _____

_____ If so, state the facts. _____

(i) Does the land contain timber? _____ If so, state the facts. _____

(j) Will it be necessary for you to cut timber, in order to clear the land, or for use as improvements? _____. If so, state what timber must be cut. _____

(See footnote, paragraph 6.)

(k) What use do you propose to make of the land? _____

(See footnote, paragraph 7.)

(l) If the site is to be used in whole or in part for business, do you agree to conduct all business operations in an orderly manner and in accordance with all requirements of the laws of the State in which the land is located, as well as the laws of the United States? _____ If the site is for business, give the names and addresses of two persons to whom reference may be made as to your reputation and business standing. _____

(m) What improvements do you intend to make on the land? _____

(Describe the improvements, in detail. Attach drawings, if convenient.) _____

(n) Give estimated cost of the proposed improvements. \$ _____

Of the annual maintenance of the proposed improvements. \$ _____

(o) What sanitation and toilet facilities will be provided? _____

(p) Do you agree to observe all state, county and other sanitary laws and regulations applicable to the premises and to keep the premises in a neat and orderly condition? _____

(q) On what financial resources do you depend for the support of yourself and family, if any, and the success of this undertaking? _____

(See footnote, paragraph 8.)

(r) Is this application made for your own use and benefit? _____

(s) Is the land now improved, occupied or used? _____

If so, by whom and for what purposes? _____

(Name and address)

(Purposes for which land is used)

(t) Give names and state distances from the tract applied for to nearest:

Improved road. _____

School. _____

Town, village or trading center. _____

(u) Have you examined the land? _____ if so, when? _____

(v) Have you heretofore applied for a tract under this five-acre law? _____
If so, identify such application by land office and serial number, or otherwise.

(See footnote, paragraph 10.)

(Sign here with full Christian name
and surname.)

I certify that the foregoing application was read to or by the above-named applicant before the applicant affixed his signature thereto; that I verily believe him to be a credible person, and the identical person hereinbefore described; that said application was duly subscribed and sworn to by applicant before me at my office at _____, this _____ day of _____, 19____.

(See footnote, paragraph 9.)

(Official designation of officer.)

FOOTNOTE

1. The application must be prepared with an original and one copy, and filed in the proper district land office. If the land is in a State in which there is no district land office, the application must be filed in the General Land Office, Washington, D. C. The application must be accompanied by a fee of \$5.2/

2. The land, not in excess of 5 acres, must be described by aliquot parts of a legal subdivision or subdivisions, if possible. The official township plats ordinarily provide the basis for description of tracts, in compact form, in units of 5, $2\frac{1}{2}$, or $1\frac{1}{4}$ acres. Where a tract, not exceeding 5 acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government. Plats showing the official surveys are available for public inspection at the land office for the district in which the lands are situated, at the proper Public Survey Office, and at the General Land Office, Washington, D. C.

Where the rectangular form does not make the most desirable plan for development, a tract, irregular in form, may be applied for, not in excess of 5 acres. In such cases, a metes-and-bounds description (the direction and length of the connecting line from the initial point on the boundary to the nearest public-land survey corner, and the direction and length of each boundary course), will be required in the application, sufficiently complete to identify the location, boundary, and area of the tract, which will be regarded as defining its maximum limits.

Should an application be filed for land over which the rectangular system of surveys has not been extended, the Register will reject it.

3. Leases will not be issued for periods of more than 5 years, unless the character of the venture justifies a longer period.

4. Applicant must state whether he is a citizen of the United States or has declared his intention to become such citizen. If not native born, he must give the date of his naturalization or declaration, the title and location of the court in which the proceedings were heard, and the number, if any, of the document.

5. If there are springs or water holes on the land, applicant should state the size thereof and give an estimate of the quantity of water in gallons they are capable of producing daily. If any part or parts of the land are irrigated, or are under constructed or proposed irrigation ditches or canals, their location, area, source of water supply, and other pertinent facts should be stated. The relation of the tract to surface streams or springs rising on or flowing across it or in its vicinity should be indicated. The location and depth of wells, elevation or water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity.

6. A lessee will not be permitted to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement as to his plans and until after permission to cut the timber has been granted.

7. Applicant must state the purposes for which the tract is to be used, which may include one or more of the following: (a) A home site--a site suitable for a permanent, year-round residence for a single person or a family. (b) A cabin site--a site suitable for a summer, week-end, or vacation residence. (c) A camp site--a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc. (d) A health site--a site suitable for the temporary or permanent residence of a single person or of a family for the prevention of disease or illness. (e) A convalescent site--a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness. (f) A recreational site--a site chiefly suitable for non-commercial outdoor recreation. (g) A business site--a site suitable for some form of commercial enterprise. A tract may be designated as one or more of the above types of sites. For example, a business site may also be a home site. It is important that the application should specify all purposes for which it is intended or desired to use the land, which must be limited to the types of use herein specified.

8. Since the land is not intended to be devoted to producing a living, unless allocated for business, the applicant must furnish satisfactory evidence of resources insuring financial responsibility adequate to maintain himself and family, if any, and successfully to carry out the undertaking for which he proposes to use the land.

9. The application must be executed under oath. It may be sworn to before the register or the acting register of the proper district land office or before any other officer qualified to administer oaths. Except as to the register, or the acting register, the official character of any officer not using a seal of office must be certified to under the seal of the clerk of court having the record of his appointment and qualifications. Only the original application need be sworn to.

10. Only one tract, not exceeding 5 acres, may be embraced in any one application filed under the act of June 1, 1938; and, in each application filed under the act to purchase or lease more than one tract, the application must be complete in itself, and the applicant filing the same must list, by land office and serial numbers, all prior applications filed by such person, under the act, or, if this is not practicable, must describe the place where (district land office, or General Land Office, as the case may be), and when all such applications were filed by such applicant.

Form 4-776

(To be executed in
quadruplicate)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No.

LEASE UNDER FIVE-ACRE LAW

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a)

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This indenture of lease, entered into as of
by and between the United States of America, party of the first part, here-
inafter called the Lessor, acting in this behalf by the Secretary
of the Interior, and

of

party of the second part, hereinafter called the Lessee, under, pursuant,
and subject to the terms and provisions of the act of Congress approved
June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the regulations there-
under, all of which are made a part hereof.

WITNESSETH:

That the Lessor, in consideration of the rents to be paid and the
covenants to be observed as herein set forth, does hereby grant and lease
to the Lessee an exclusive right and privilege of using for
purpose the following described tract of land:

Section , Township , Range

Meridian, containing acres, to-
gether with the right to construct and maintain thereon all buildings or
other improvements necessary to the full enjoyment thereof for the pur-
poses for which this lease is given, for a period of years. Upon
filing an application for renewal of the lease, not more than 6 months or
less than 60 days prior to the expiration thereof, the Lessee, in the dis-
cretion of the Secretary, will be accorded a preference right to a new
lease, upon such terms and for such duration as may be fixed by the Lessor,
if the terms of the lease have been complied with and the Lessor shall de-
termine that a new lease should be granted. Lessee, if entitled to a re-
newal lease, will be accorded a preference right to purchase the land after
the expiration of the lease, if the Secretary, in his discretion, authorizes
the sale of the land and an application to purchase is seasonably filed.

In consideration of the foregoing, the Lessee hereby agrees:

- (a) To pay the Lessor, in advance, an annual rental of \$
- (b) To construct the following described improvements upon the land:
- (c) Not to construct upon the land buildings or structures of any kind which are not in keeping with the purposes for which this lease is granted.
- (d) To observe all state, county and other laws and regulations which are applicable to the premises, including sanitary laws and regulations and laws relating to the cost and maintenance of partition fences, and to keep the premises in a neat and orderly condition.
- (e) If the site is to be used in whole or in part for business, to conduct all business operations in an orderly manner and in accordance with the requirements of the laws of the state in which the land is located, as well as the laws of the United States.
- (f) Not to commit waste or injury to the land, or to devote it to any occupation or use other than the purposes for which this lease is issued.
- (g) To take all reasonable precautions to prevent and suppress forest, brush and grass fires.
- (h) That neither he nor members of his family, or employees, will set fires that will result in damage, and that fires will be extinguished before the premises are left unattended.
- (i) Not to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Commissioner of the General Land Office a statement of his plans and until after permission to cut the timber has been granted.
- (j) To take all possible precautions to prevent pollution of waters on and in the vicinity of this tract.
- (k) To observe all laws and regulations for the protection of game animals, game birds, and non-game birds, and not to disturb such animals or birds unnecessarily.

It is further understood and agreed:

- (a) That there is reserved to the United States all of the coal, oil, gas and other mineral deposits in the leased land; that any deposits of coal, oil, gas, or other minerals subject to the leasing laws in the leased land may be disposed of under applicable laws and regulations in force at the time of such disposal; that the right to prospect for, mine and remove the other kinds of minerals that may be found in the leased land shall be subject to such rules and regulations as may be prescribed by the Lessor and that until such rules and regulations have been issued such reserved deposits will not be subject to disposition, or prospecting.
- (b) That nothing contained in this lease shall restrict the acquisition, granting or use of permits or rights of way under existing laws.
- (c) That miners and prospectors for minerals, when duly authorized by the Lessor, and other persons entitled to enter the leased premises for lawful purposes will not be prevented from doing so.
- (d) That the Lessee will not enclose roads or trails commonly used for public travel.

(e) That authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(f) That the Lessee shall not sell or remove any timber growing on the leased land, for use elsewhere.

(g) That this lease is granted subject to valid existing rights.

(h) That this lease shall be subject to cancellation by the Secretary of the Interior for failure of the Lessee timely to make any required payment of annual rental, or for failure of the Lessee otherwise to perform or observe any of the terms, covenants and stipulations hereof, or of any of the regulations issued under the act of June 1, 1938, where such default has continued for 30 days after written notice thereof by the Lessor.

(i) That upon the cancellation of this lease for any reason, or upon its expiration, unless a renewal is requested, the Lessee will be allowed a reasonable time, to be determined by the Lessor, within which to remove his improvements from the land, or to make other disposition thereof. Upon the failure of the Lessee to take such action, the improvements will become the property of the United States.

(j) That the Lessee will not assign this lease, or any interest therein, nor sublet any portion of the leased premises, without the approval of the Secretary of the Interior, and will not speculate in the privileges herein granted. The approval of a transfer will be withheld, if it is for speculative purposes.

(k) It is further covenanted and agreed that each obligation hereunder shall extend to, and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

(l) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and that the provisions of Section 3741 of the Revised Statutes (41 U.S.C. 22), and Sections 114, 115, and 116 of the Penal Laws of the United States approved March 4, 1909 (35 Stat. 1109; 18 U.S.C. 204-206), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA,

By _____
Secretary of the Interior, Lessor

Witnesses to signature of Lessee: _____

Lessee

**BLM Library
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